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“Endangering the Stability of Slavery”: Black Freedom in the Upper South, 1820-1850

Ashley K. Schmidt

A thesis submitted to the Graduate Faculty of

JAMES MADISON UNIVERSITY

In

Partial Fulfillment of the Requirements

for the degree of

Master of Arts

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This work is dedicated to my Aunt Dot, who passed away during the writing process. She taught me the confidence and tenacity to complete this project. All my love.

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Abstract

In the Upper South, free blacks stood out as a living breathing contradiction to the institution of race-based slavery. State legislatures continuously debated and discussed the issue, and created a plethora of laws to restrict the freedoms given to African Americans. However, through a comparison of two piedmont locales, Bedford County, Virginia, and Washington County, Virginia, this thesis reveals the flexibility of execution of state laws on the ground. The work argues that state laws did not necessarily dictate black experiences in freedom. Instead, free black experience can be shown through the ways that whites enforced the laws, a process that often relied on local factors within each community. Through free black experiences in manumission and registration, in the local economy, and in the county courthouse, this work argues that significant differences existed between free black experiences within different localities in the Upper South, and that the strength of the institution of slavery directly affected race relations on the ground. In Washington County, slavery found much opposition in the proximity of the free state of Pennsylvania and the migratory work force associated with the changing economy that resulted in the decline of slavery and an increase in the free black population. In Bedford County, slavery remained relatively strong through the production of tobacco while the small free black population remained stable.

Free blacks in Bedford County faced a more informal enforcement of state legislation in favor of a more localized legal culture based on reputation within the white community. In Washington County, whites utilized the law in order to control portions of the population that questioned the wavering institution of slavery. Free blacks in Bedford County faced a more informal enforcement of state legislation in favor of a more localized legal culture based on reputation within the white community. In Washington

County, whites utilized the law in order to control portions of the population that questioned the wavering institution of slavery. Although the enforcement of state laws differed within each community, free blacks in both communities frequently interacted with whites in the community. Their interactions within the community laid the foundation for local reputation and the ways authorities would enforce the law.

Introduction

Local Community and Free Blacks in the Upper South.

As tangible contradictions to the slave society, free blacks became one of the most important domestic concerns for whites in the antebellum Upper South. Maryland and Virginia, specifically, led the nation in their free black populations and laws regarding that population. By the late 1830s, both Maryland and Virginia had already discussed, and decided against, any sort of emancipation of their slave populations. This meant that free blacks would continue to live as a class in-between according to the state law—black but free. However, state laws did not merit strict enforcement at the local level; a more localized form of legal culture instead dictated the ways that free blacks could interact with the community. A comparison of two rural piedmont counties in these two states, Washington County in western Maryland and Bedford County in central Virginia, highlights the importance of local norms and the stability of the institution of slavery in the experiences of being both free and black in the antebellum Upper South.

Bedford, situated in the piedmont region east of the Blue Ridge Mountains, experienced significant population growth from westward migration by the turn of the nineteenth century.¹ The piedmont region generally, and Bedford specifically produced wheat and tobacco, with the average landholder owning from 100 to 200 acres of land.² In Bedford, the white population grew from 11,123 to just over 13,500 between 1830 and

¹ Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: University of North Carolina Press, 1986), 53-4.

² William G. Shade, *Democratizing the Old Dominion: Virginia and the Second Part System, 1824-1861* (Charlottesville: University Press of Virginia, 1996), 45.

1850. In that same time, the slave population increased from approximately 8,700 to about 10,000. Meanwhile, free blacks made up a small portion of the population that rose only slightly from 341 to 463 in the same period. During the antebellum period, free blacks never reached more than two percent of the entire population. In fact, over ninety percent of the African Americans in the county were held in bondage.

Over 200 miles away, Washington County, Maryland, a piedmont county along the Allegheny Mountains, grew mainly wheat and other grains by the early nineteenth century. The white population, twice the size of Bedford's, increased at a slightly larger rate than Bedford, rising from around 21,000 in 1830 to 26,000 in 1850. The slave population declined in the same period, from almost 3,000 in 1830 to around 2,000 in 1850. In the same time frame, the free black population grew from around 1,000 to around 1,800. The free black population made up anywhere from four to six percent of the entire population. In 1830, only about seventy percent of the total African American population was held in bondage, while by 1850 that number had slipped to almost fifty percent. The growth of the free black population, coupled with the decline of the slave population was a direct result of one of the most important differences between the two counties: the strength of the institution of slavery.³

³ See Table 1 for population data.

Table 1: Populations of Washington and Bedford Counties, 1830-50

Year	County	Total Population	Total Free Colored	Total White	Total Slave
1830	Washington	25,268	1,082	21,277	2,909
	Bedford	20,246	341	11,123	8,782
1840	Washington	28,850	1,580	24,724	2,546
	Bedford	20,203	323	11,016	8,864
1850	Washington	30,848	1,828	26,930	2,090
	Bedford	24,080	463	13,556	10,061

Despite the similarities of the regions, each county faced differences in local economies, geographic location and proximity to free states, that reveals the importance of the strength of the institution of slavery to peaceable race relations for free blacks. In Maryland, as Barbara Fields argues, the economies of two sections of the state, the eastern and western parts, fiercely divided over the issue of slavery and made it seem like two states by the 1850s.⁴ In Washington County, slave labor became increasingly marginal to the local economy.⁵ Meanwhile, like many of the other piedmont counties in Virginia, Bedford County transitioned slowly from tobacco to wheat, and continued to rely on slave labor.⁶ These differences will divide the chapters thematically in order to reveal the important consequences each has for the free black population.

The first chapter examines forms of manumissions and the subsequent enforcement of freedom registration laws in both counties. The larger free black population in Washington County was a result of a high manumission rate, while the low rate of manumission in Bedford County resulted in a scant free black population that had

⁴ Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985), 5-6.

⁵ Max Grivno, *Gleanings of Freedom: Free and Slave Labor along the Mason-Dixon Line, 1790-1860* (Urbana: University of Illinois Press, 2011), 11.

⁶ Daniel W. Crofts, "Late Antebellum Virginia Reconsidered" *The Virginia Magazine of History and Biography*, Vol. 107, No. 3 (summer 1999), 253-286, 255.

a much better chance at being known by the white officials in the community as having a “good character.” The chapter traces the differing forms of manumission in each county: Washington County employed term slavery, or gradual manumission, through deed agreements that typically granted manumission on an individual basis whereas African Americans in Bedford typically gained their freedom, along with a large group of slaves, through their master’s last will and testament. Then, the work turns to the freedom registration experiences in each county and demonstrates that because of the proximity of the free state of Pennsylvania and the large free black population, African Americans in Washington County faced a more formal enforcement of registration laws while in Bedford, they faced a more informal enforcement based on reputation.

The second chapter traces the local economies of both communities in order to discern possible effects on race relations and the free black population in each. The chapter argues, through the use of various sources such as land records, census data, and tax records, that the changing economy and transportation developments of Washington County made the community less stable because of its employment of migratory labor than the community in Bedford County, where slaves made up the majority of the labor force. Despite these differences, free blacks in both communities frequently bought and sold land and personal property; however, free blacks in Bedford tended to live near whites, whereas class divided the neighborhoods in Washington County.

The third chapter highlights the way people, both black and white, used the local court system. The chapter argues, through a description of a few important instances of people with abolitionist sentiments that went on trial, that the law in both counties acted as a safety net for slaveholders in case of a serious threat to their power. Free African

Americans frequently used the courts to protect their free status, land rights, and apprenticeship agreements, while authorities rarely enforced the laws if free blacks did not seriously question white power structures. However, in Washington County, free blacks encountered a society that executed the laws more formally, particularly in cases of runaways. In Bedford County, free blacks could more easily gain a reputation with a greater number of whites in the community, and therefore could maneuver within the restrictive laws of a slave society. If a free black were well known to the white men who held local power, they faced a better chance of being able to secure their freedom and property rights within both societies. However, based on the free black populations, the local economy, and the proximity to a free state, Bedford County became an easier place to garner a reputation of respectability within the white population.

Race relations at the local level are often murky and untraceable for historians. This work tries to tell the story of free black experiences in both counties without imposing a tight structure that oversimplifies the important complexities of human nature. Despite the inhumane institution all around them, southern whites and free blacks likely knew each other their entire lives. They worked, celebrated, fought, and lived with each other. In some ways, whites had to acknowledge, privately at least, the humanity that they so often denied African Americans in public.

Free blacks, as much an anomaly for historians to describe as they were for southern whites, have garnered considerable scholarly attention since the early twentieth century. Some of the first dissertations published in the United States involved analysis of

the free black class in both Virginia and Maryland.⁷ As the study progressed, one work has stood as the seminal work on the subject, Ira Berlin's *Slaves without Masters*. Berlin saw the small free black class as "slaves without masters," in that they inevitably struggled against the white elite's racism.⁸ White men, particularly those that owned slaves and held significant political power, considered free blacks a challenge to their way of life. To combat this threat, whites created and manipulated a legal system that circumscribed free black behavior through laws meant to return them to a position in society that resembled slavery, and a legal system that would always enforce these laws that sometimes surpassed slave codes in their restrictive manner. Through these laws, the white elite threatened to return free blacks to slavery through harsh punishments of lashings and imprisonment if they violated these statutes. Therefore, Berlin argues, free blacks often shied away from public areas and interaction with their white neighbors because the white master class never fully acknowledged their freedom. In addition, the white elite created and reinforced a color line that discouraged interaction and could rig the legal system in order to return troublemakers to bondage. For Berlin, state-level legislation, and the state-level enforcement of the law, defined free black life. Berlin's influential thesis remains the authoritative basis for many other historians. This work argues that while state laws are important in the discussion of race relations, the local experiences often complicate our understanding of free black experience because whites

⁷ See Jeffrey R. Brackett, *The Negro in Maryland: A Study in the Institution of Slavery* (Baltimore: Johns Hopkins University Press, 1899) and John H. Russell, *The Free Negro in Maryland, 1634-1860* (New York: Columbia University Press, 1921).

⁸ Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), xii.

and blacks alike often ignored the laws. Berlin's 'slaves without masters' model has set the tone for scholarship concerning free blacks since its publication in 1974.⁹

While there are many important aspects of Berlin's argument, there are two that are very relevant and important to the argument made in this work. One important assumption underlying the 'slaves without masters' argument is that the law represented white efforts to reinforce the color line that designated black as slave and white as free in order to reinforce the institution of slavery. According to Berlin, white desire to solidify the color-based slave system culminated in oppressive anti-free black laws that legally drew the color line between free and slave that would remain impenetrable despite free blacks' efforts to carve out their own freedoms. For Berlin, free blacks became anomalous people, visibly slaves but legally free, and trapped in a world where whites actively engaged in actions to limit their lives. However, according to evidence found at the two locales, whites irregularly, and sparsely, implemented the laws meant to restrict free black life. The findings of this study suggest that whites often ignored the color line except in times of severe threat to the institution of slavery.

Another important aspect of Berlin's work lies in the broad scope of *Slaves without Masters*. Berlin attempts to understand the free black experience throughout the entire South. He differentiates between the Upper South (Delaware, Kentucky, Maryland,

⁹Two important works pre-date Berlin's publication, but ultimately agree with his findings. See John Hope Franklin, *The Free Negro in North Carolina, 1790-1860* (Durham: The University of North Carolina Press, 1943) and Luther Porter Jackson, *Free Negro Labor and Property Holding in Virginia, 1830-60* (New York, 1942). In addition, many historians have followed the 'slaves without masters' model. See Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina* (Columbia: University of South Carolina Press, 1973); Loren Schweninger, *Black Property Owners in the South, 1790-1915* (Urbana and Chicago: University of Illinois Press, 1990); Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: WW Norton & Company, 1984); Suzanne Lebsock, *The Free Women of Petersburg, Status and Culture in a Southern Town, 1784-1860* (New York: W.W. Norton & Company, 1984); Tommy Bogger, *Free Blacks in Norfolk, Virginia, 1790-1860* (Charlottesville: University Press of Virginia, 1997).

Missouri, North Carolina, Tennessee, and Virginia) and the Lower South (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas). For Berlin, “toleration—not celebration of slavery” characterized the racial thought in the Upper South culminating in the necessary evil defense of the institution.¹⁰ In the Lower South, however, whites viewed slavery as “the source of all wealth and the foundation of white unity.”¹¹ For the ‘slaves without masters’ model, these differing views concerning the institution of slavery made free black experiences in all of the states considered as part of the Upper South similar. This work concludes that Berlin’s broadly based conclusions of the Upper South neglect important differences within the region, differences even evident in two locales with similar economic structures.

Barbara Jeanne Fields, focusing on the “middle ground” state of Maryland in her groundbreaking work, enumerates “a bewildering profusion of legal restrictions” on free African Americans and the frequent enforcement of these laws. Fields traces the economic transformation caused by the Civil War and emancipation throughout the entire state. However, she also argues that the changing economy of the middle ground began well before Civil War and that during the transition from a slave-based economy to one based on free labor, non-slaveholding whites needed free blacks as a labor force. Therefore, whites continually fought the slaveholding elite in the legislature over the more restrictive laws concerning free blacks. Fields also notes that the restrictive laws concerning free blacks did not always find enforcement within each locale and she explains that she felt “a strong suspicion that many operated, not as literal rules, but as a

¹⁰ Berlin, 185.

¹¹ Berlin, 193.

sort of warrant for the free blacks' good behavior."¹² Despite Fields's allowance for variation from her own conclusions, she ultimately follows a typical 'slaves without masters' model in that the state laws dictated the experiences of race relations within the local community. She also argues for free black agency, tracing some of the ways that free blacks resisted the pressure applied by whites. She finds this resistance mainly in urban areas. For her, "free blacks living and working in Baltimore stood the best chance of escaping these emblems of inferiority."¹³ However, Fields's work pays little attention to the daily experiences of free blacks in rural locales.

Recently, important works have begun to question the 'slaves without masters' model through local case studies that emphasize the lack of enforcement of state laws, and the importance of free blacks actively utilizing the court system, embodied in Melvin Ely's important work, *Israel on the Appomattox*.¹⁴ Ely argues that the lack of enforcement of state laws within each community provides a fuller picture of everyday experiences of black freedom. Specifically, Ely finds that free blacks within Prince Edward County, Virginia, formed bonds with whites through economic, social, and legal

¹² Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985), 35.

¹³ Fields, 37.

¹⁴ Eva Sheppard Wolf, *Race and Liberty in the New Nation* (Baton Rouge: Louisiana State University Press, 2006); Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003); Kirt von Daacke, *Freedom Has a Face: Race, Identity, and Community in Jefferson's Albemarle, 1782-1865*, forthcoming, University of Virginia Press; Martha Hodes, *White Women, Black Men: Illicit Sex in the 19th Century South* (New Haven: Yale University Press, 1997); Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War* (New York: Alfred A. Knopf, 2004); Peter W. Bardaglio, *Reconstructing the Household: Families, Sex & the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995); Reginald Butler, "Evolution of a Rural Free Black Community: Goochland County, Virginia, 1728-1832" (PhD diss., Johns Hopkins University, 1989); Thomas E. Buckley, S.J., "Unfixing Race: Class, Power and Identity in an Interracial Family" *The Virginia Magazine of History and Biography*, Vol. 102, No. 3 (July 1994); Timothy James Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia, 1750-1860* (Athens: University of Georgia Press, 2001).

avenues. These bonds revealed that “white authorities and white neighbors, for all their moral failings and acts of callousness, left space in which free blacks could act as something other than slaves.”¹⁵ The creation of this space meant that white actions at the local level often contradicted white racial ideology. This thesis agrees with and contributes to this literature. Work such as Laura Edwards’s *A People and Their Peace*, reveal the rough equality that free blacks could achieve with other whites in the community. Edwards argues that what Ely calls a “paradox” of human give between white men and their black neighbors did not necessarily contradict the cultural norms of the antebellum slaveholding South. In fact, she argues that white slaveholders would not call it a contradiction or paradox but something closer to local custom. Through reconstruction of local legal culture as a whole, including white men and women and African American (both and enslaved and free), Edwards finds that each locale created its own norms that could grant quasi-legal rights to those typically considered dependants. In her argument, free blacks viewed the judicial system as a useful tool for settling disputes of all kinds. Through their frequent interactions, especially in the court, free blacks could approach a form of “social whiteness.”¹⁶ They did not necessarily live in seclusion from white and slave communities; they actively engaged in the larger southern community in order to better their own lives.

This work attempts to reconstruct the local community structure of Bedford County, Virginia and Washington County, Maryland, to fully explain the consequences of local customs on the lives of free blacks, with particular emphasis on the ability of free blacks to garner a reputation—or to be known within the community. Ultimately, instead

¹⁵ Ely, 439.

¹⁶ Edwards, Laura F., *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press, 2009), 4.

of actively avoiding white power structures, free blacks frequently engaged in the community. In addition, through a comparative framework, the work attempts to paint a broader picture of race relations within the Upper South and reveal how the strength of the institution of slavery affected free black experience and white enforcement of state laws within the local context. As seen through the experiences of free blacks in Washington County, the regular and active threats to the power of the slave society meant that whites often enforced restrictive laws; meanwhile, in Bedford County, the institution of slavery faced less opposition, and less enforcement of the laws.

Chapter 1

“Legacy of Freedom”: Manumission and Freedom Registration

In the antebellum South, local context and common knowledge set the stage for manumission and freedom registration for slaves. Many different factors could affect the ways that free blacks experienced their first steps towards freedom, including the strength of the institution of slavery, and by extension, the size and the rate of manumission, the free black population, and the proximity of the area to a free state. This chapter traces the experiences of African Americans in manumission and then freedom registration in each county. It argues that Washington County utilized a more individualized form of manumission through deed agreements of term slavery while slaves in Bedford tended to gain their freedom in groups through the wills of their former masters. The high rate of manumission and the proximity of the free state of Pennsylvania forced whites in Washington County to employ a more formal execution of registration laws there, based on legal documents or white testimony. In contrast, free blacks in Bedford County enjoyed less formal enforcement of the registration laws, based on common knowledge of the person.

The process through which slaves gained their freedom held many consequences for the institution of slavery as whole, and both Maryland and Virginia experienced a liberalization of manumission laws in the late eighteenth century. In 1782, Virginia legalized private acts of manumission.¹ In 1790, the Maryland legislature eased a strict law that banned manumission by will.² These liberal laws regarding manumission fueled

¹ Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 91.

² T. Stephen Whitman, *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Baltimore* (Lexington: University Press of Kentucky, 1997), 67.

a dramatic increase in the free black population in the years after 1790. However, in 1796, a Maryland law restricted slaveholders from manumitting slaves over forty-five years of age. Maryland's laws stressed "selective liberation" not anti-slavery sentiment.³

Historians have utilized these laws in order to comment on free black life in the antebellum South. In Ira Berlin's influential 'slaves without masters' model, white men used state laws and white-controlled courts to cement the color line. For scholars that follow this line of argument, the impenetrable color line dictated all aspects of life, and forced free blacks to the margins of society, having little contact with whites for fear of strict punishment.⁴ Although the laws passed are important to the antebellum experience, other, more localized documents shed new light on their lives and reveal frequent interaction over the color line. An examination of documents dealing with manumission in both Washington County, Maryland and Bedford County, Virginia, reveals that even though these laws represented the views of whites regarding the free black class as a whole, they found lackluster support in the county executives who seemed to favor local interests. Manumission and registration experiences in Washington County and Bedford County highlight the important connections between being known in the community and enforcement of the state laws.

Population numbers are important to the study of manumission in the Upper South. Bedford's free black population remained steady relative to the greater population of the county throughout the antebellum years. In contrast, Washington County's free black population grew substantially in the same period. As a part of the greater area known as Western Maryland, Washington's free black class not only grew from a stable

³ Whitman, 68-9.

⁴ Berlin, xii.

manumission rate but also through natural increase and migration from Eastern counties. By 1850, Washington and Frederick counties cultivated more than a third of the state's wheat crop, in part because of the availability of free black labor.⁵

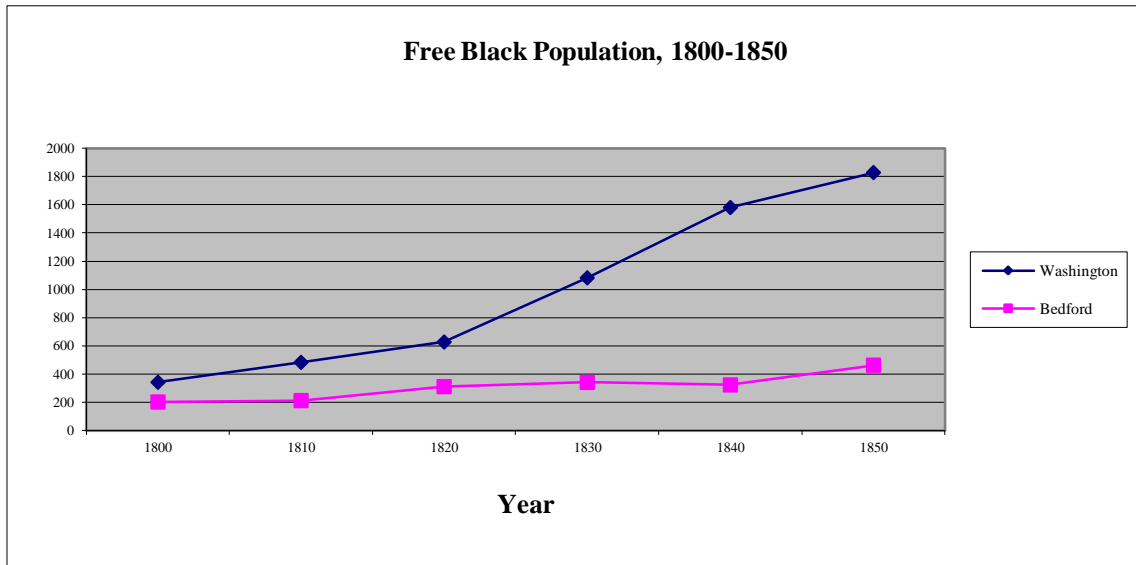


Figure 1: Free Black Population of Bedford and Washington Counties, 1800-1850

Not only did more free blacks live in Washington County as opposed to Bedford County, but free blacks made up a bigger proportion of the population as a whole in Washington County. By 1850, free blacks made up almost six percent of the total population of Washington County. In contrast, free blacks only made up about two percent of the population of Bedford County by 1850. In addition, the proportion of free blacks to the rest of the population jumps from about two percent in 1800 to six percent in 1850, while in Bedford County the proportion remains between one and two percent.⁶ This means that not only did the number of free blacks increase in Washington County, but also grew at a rate faster than the rest of the population.

⁵Barbara Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985), 19. As argued by Barbara Fields, two Marylands existed by 1850; the slave societies of the Eastern Shore and the northern and western counties that started to grow more dependent on free labor than slave labor for production. Washington experienced an increase in free black inhabitants.

⁶ See Figure 1. Free Black Population, 1800-1850.

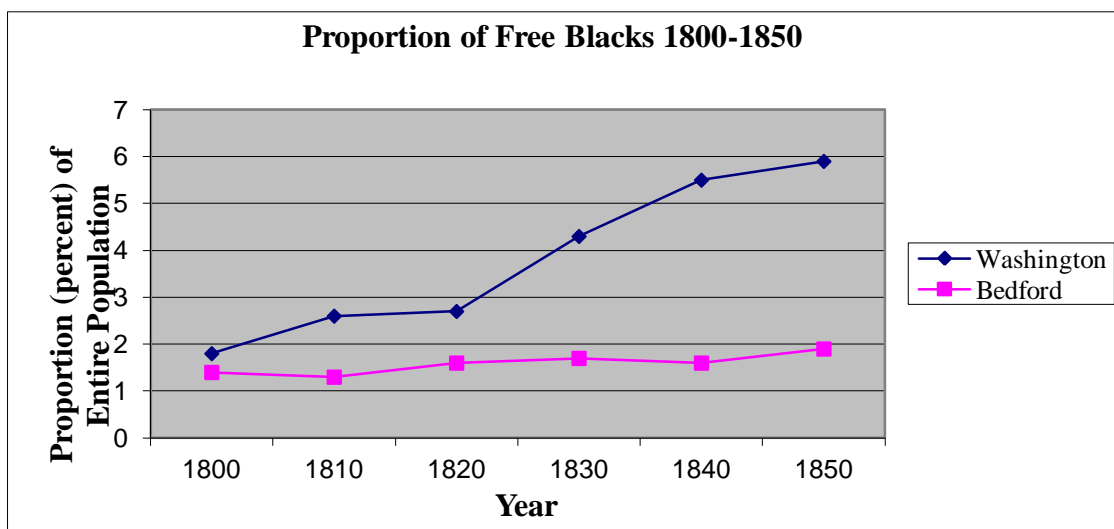


Figure 2: Proportion of Free Black Population of Washington and Bedford Counties

In response to the growing free black population, and threats to the institution of slavery like Gabriel Prosser and Nat Turner, whites passed laws to restrict manumission. In 1806, Virginia passed a law requiring any African Americans freed after May of that year to leave the state within twelve months of attaining their freedom. The law also forced free black residents to register their freedom with the county courts and obtain a Freedom Certificate, commonly referred to as free papers, to carry on their person at all times. In accordance with the law, white citizens could challenge free blacks to show their free papers to prove their status at any time. In addition, it required that free blacks living in rural areas renew their free papers every three years.⁷ The Maryland state legislature passed an expulsion law similar to Virginia's Removal Law in 1832. In addition to similar registration procedures, Maryland's law also restricted manumission

⁷ This is used by some historians to point to the differences between free black experiences in rural and urban spaces. The 1806 law required that urban free blacks renew their free papers every year.

and forbade newly freed slaves from staying in the state unless they could get respectable white witnesses to provide evidence of their “extraordinary good conduct and character.”⁸

The large free black population of Washington County was caused, in part, by the area’s proximity to the free state of Pennsylvania. Washington County slaveholders, living in a state that continually debated the pros and cons of the institution, utilized delayed manumissions as a tool in the “ongoing management of slave workers” and often acted in their own self-interest, displaying little egalitarian sentiment.⁹ In this process, slaves would work for a number of years before gaining their freedom and yet it also gave a clear commitment of liberation without the risks of escape. This agreement secured slave labor for the white owner because it meant that slaves would not have to run away in order to gain their freedom. These agreements, legally binding, revealed the nature of slaveholding in a state where the institution of slavery was waning. These types of manumissions were very common in the early nineteenth century, and the Maryland legislature crafted laws to protect this type of agreement. After 1817, a master could not revoke a gradual manumission that was already recorded by the county court, and according to Maryland law, could not sell a slave involved in this type of manumission out of the state.¹⁰

While there is no way to know actual numbers because white slaveholders frequently made promises of term slavery outside of legal bounds, the existence of these agreements shows the important battle going on in the county. As one historian argues,

⁸Fields, 86. Maryland General Assembly. Laws Passed by the General Assembly of the State of Maryland. Annapolis, Md.: various publishers, 1790-1860.1831, sec. 5.

⁹Whitman, 93. For a discussion of the Maryland legislature’s divides over slavery, especially considerations of forced gradual emancipation, See Whitman, 67-9.

¹⁰Whitman, 101.

term slavery could “ease the pressures that were crushing the peculiar institution.”¹¹

These agreements were often individualistic, only promising freedom to one slave after he or she completed the term. In one instance of gradual manumission, Letty Peters gained her freedom in 1842. Her freedom paper states, “Letty was purchased of Charles Rice, of Williamsport, Maryland, by Arthur Johnson, Esquire, of Hagerstown, County and aforesaid on the 25th day of September 1833 to serve said Johnson until the 25th day of September 1842 and then to be free as been by said Johnson, fully and satisfactorily proven to me.” Rice sold Peters when she reached the age of fifteen and eleven years later, she gained her freedom and settled in Washington County.¹²

The proximity of the promise of freedom in Pennsylvania for those in Washington County can be seen through the instances of masters sending their slaves there to finish their terms. In 1832, Samuel Young manumitted William Henry Rideout based on the following terms: “The said William Henry... shall go to the state of Pennsylvania with James O. Carson of the town of Mercersburg in said State and well and faithfully serve the Carson until he shall arrive at the age of 28 years.”¹³ Eight years old at the time of the agreement, this meant Rideout faced twenty years of enslavement before gaining his freedom. Not only had a white master broken the law stating that he could not indenture a slave across state lines, but the county clerk legalized the agreement.

Rideout’s gradual manumission follows that of other gradual manumission documents in the county. By utilizing this type of conditional manumission, the slaveholder did not have to pay for his slave’s living expenses. Although Young only

¹¹ Grivno, 137.

¹² Washington County Court Certificates of Freedom Book B. 1834-1865. “Letty Peters”

¹³ Washington County Court Certificates of Freedom Book A. 1806-1834. “William Henry Rideout” pg.41.

received five dollars for the young slave, it still benefited him financially because he did not have to pay for upkeep of another slave on his plantation. However, he did lose labor for his own crops. Despite the possible financial motivation, a definitive protection and desire for the wellbeing of the slave also exists for Young. He places conditions within the document that circumscribe Rideout's behavior. The agreement further states, "that on the removal of the said William Henry into the state of Pennsylvania, he shall execute to the said Carson a Deed of Indenture, binding himself to serve the said Carson his heirs & co. until he shall attain the age of 28 years. Which indenture shall be executed agreeably to the laws of PA in such case made and provided." This may have been an attempt to protect his slave by making the arrangement legal in Pennsylvania as well as Maryland. By making the agreement a legally binding one in Pennsylvania, it would make it much more difficult for Rideout to run from Carson, or for Carson to deny him his freedom after the years of the contract ended.

Although his master did allow him to move to a free state in order to fulfill his conditional manumission, his master included a clause that punished him for failure to adhere to the rules of the agreement. The clause stated: "And further, that if the said William Henry shall fail to comply with the above conditions, then everything herein contained shall be absolutely null and void anything herein contained to the contrary notwithstanding."¹⁴ Rideout did eventually gain his freedom. After the terms of his indenture, Rideout returned to Washington County and registered his freedom with the court. Rideout returned to family, friends, and a community that he recognized despite his time in Pennsylvania. This highlights the important facts of slavery in a community that

¹⁴ Washington County Court Certificates of Freedom Book A. 1806-1834. "William Henry Rideout" pg.41.

was so close to freedom—although slaves could reach freedom in less than an hour on foot, it meant a great sacrifice in living on the run away from family and friends.

In addition to the individual experience of freedom through term slavery, some Maryland slave owners freed their slaves for token amounts. For instance, in 1829, Jesse Key paid his owner five dollars for his freedom.¹⁵ Again, in 1844, John Keyser paid five dollars for his freedom at the age of thirty-two.¹⁶ In 1841, Zarry Wicks bought her freedom for five dollars paid to her master. Clearly token amounts, these low sums do not represent a typical purchase of freedom. These experiences can be contradicted with other examples of high prices for freedom. For example in 1826, George Washington paid four hundred dollars for his freedom.¹⁷ This is a large sum for a slave to accumulate. Likely, Washington toiled for years to pay for his freedom. Despite the differing prices for freedom in the deed agreements, the documents reveal that purchasing freedom was easier than outright freedom granted by a master in Washington County.

In Virginia, masters often chose to manumit their slaves through their last wills and testaments. They had many reasons for doing so, probably the most pertinent being economic stability. Often, a white man left his slaves to serve his wife until her death, thereby ensuring that she would be taken care of after his death. Some masters utilized a conditional manumission in the will, dictating that former slaves work to gain money to pay debts charged to the estate. When Alexander Irvin died in 1843, he utilized this type of manumission in order to gain money for his estate. His will states,

It is my desire that all my slaves be set free at my death and to avoid their being turned out suddenly upon the world and that without a home I wish them to be kept upon my land where they now are and provided for by my

¹⁵ Washington County Courthouse. Book LL 32 Pg. 204.

¹⁶ Washington County Courthouse Deed Book OHW2 pg. 233.

¹⁷ Washington County Courthouse Deed Book HH pg. 1000.

executor in a humane and comfortable manner to work under their direction for twelve months in making a crop for the benefit of my estate; at the expiration of which time they are to be discharged from labour and then are to be forever free from bondage.¹⁸

Irvin utilized language indicative of the paternalistic ideal of a caring master in his last will and testament. By linking his own economic interests with a concern for his former slaves, he justified keeping his slaves under the control of a “humane” master for an additional year after they obtained freedom. Although he eventually manumitted nine slaves-- two men, one woman, and her six children-- he made ensured his estate will benefit from their labor for the first year. Despite his concern for the well-being of his slaves, his decision to manumit them had financial implications for himself and the newly freed African Americans.

In their wills of manumission, Virginia slaveholders gave many important pieces of information for determining interracial interactions within the community. First, they often enumerated master-slave relationship in these documents; they included value judgments on the slaves’ character and work ethic. Often, masters freed multiple slaves in their wills, in comparison to deeds of manumission that they would use to “reward a single favorite slave.”¹⁹ In many cases, masters would free an entire family in their will, and they would state the familial relationships in the documents. In 1842, John Neal manumitted seven slaves, including Mary and her three children, as enumerated in the will.²⁰ In 1841, Thomas Whitting freed sixty-two slaves, and separated them by age and

¹⁸ Will of Alexander Irvin, proved February 13, 1843, Will Book 14, pg. 143. Bedford County Courthouse.

¹⁹ Eva Sheppard Wolf, *Race and Liberty in the New Nation* (Baton Rouge: Louisiana State University Press, 2006), 44.

²⁰ Will of John Neal, proved 28 November 1842. Bedford County Courthouse. “Free Negro and Slave Records.”

gender.²¹ William Leftwich freed his slave Bill and his wife Lamer in 1846.²² The examples of large-scale manumission meant that slaves often faced freedom in family groups in Bedford.

These differences between mode of manumission had important consequences for free blacks as they gained their freedom. In Maryland, the prominence of deeds of manumission meant that white masters more willingly made individual agreements with slaves for their freedom in legal documents. In Bedford County, the prevalence of gaining freedom in groups in a will meant that the master could also give gifts of property, tools, or money to the newly freed slaves.

Although free blacks generally gained their freedom through more individualistic means, free blacks in Washington County could buy their families from bondage. In some cases, free blacks bought slaves out of bondage through a deed of conditional manumission. In 1828, William Brown paid one hundred and eighty dollars for an infant slave child named James Jenkins. The conditions appear within the deed of agreement as “to have and to hold the infant... for a certain term of years, that is to say, until he the said infant slave shall arrive at the age of twenty-five.” At the time of the agreement, the child was five months old.²³ Likely, Brown bought his child out of bondage. In 1842, Samuel Middlekauff testified in writing that, “I hereby certify that Harriet Miller, now the wife of Henry Blue, is free that my father gave or sold her to her father with the understanding that she was to be free at sixteen years old also say that I have no claim whatever to said woman.” This testimony supported a deed agreement “at the request of

²¹ Will of Thomas Whitting, proved 8 October 1841, Bedford County Courthouse. “Free Negro and Slave Records.”

²² Will of William Leftwich, proved November 1846. Bedford County Will Book 12

²³ Washington County Court Deed Records, Book MM33 pg. 821.

Harriet Blue” that the Middlekauff family have assigns “have or hold no claim, or, never shall have over” Blue.²⁴ However, no recorded sale of a slave woman exists between Middlekauff and Harriet Blue’s father, Samuel Miller. Harriet Blue probably went to the county courthouse to make an informal sale between Miller and Middlekauff legal before registering her freedom with the court.²⁵ The courts provided a way for slaves to validate vague promises of freedom made by their masters.

Some slaveholders sold slaves to free blacks for a price well under the current market value. James Adley bought five slaves from Thomas Adley for “one dollar current money.”²⁶ This de facto sale of Charles Adley, 24, Fanny Adley, 20, Thomas Adley, 22, Jack Adley, 21, and Samuel Adley, 18, highlights the importance of family in the free black experience. James Adley’s five children escaped bondage through his efforts. In addition, this deed also speaks to slave and master relations. Thomas Adley did not have a financial reason for selling the slaves; in fact, he actually lost money in the sale. He sold five slaves in their most productive years for one dollar. Moreover, he sold them to a free African American. This exchange represents an important interracial interaction between a slaveholder and a free black. In a world defined by state laws, masters would not sell a slave to a figure as “dangerous” as a free African American, no matter the financial benefits they could gain. In addition, it highlights the importance of family to a freed individual’s own conceptions of freedom.

Not only did parents buy their children, but children also bought their elderly parents out of bondage. In 1850, Thomas Mason sold his slaves, Nace and Sally Lee, to

²⁴ Middlekauff to Blue. Washington County Court Deed Records, Book ZZ 43 pg. 29.

²⁵ Washington County Certificates of Freedom Book B. “Certificate of Harriet Blue” pg. 40. Although her certificate lacks a date, she is included above a certificate dated March 24, 1842.

²⁶ Thomas Adley to James Adley. Washington County Courthouse. Deed Records Book KK 19.

their children, Robert, Jackson and William Lee for five dollars. Mason agreed “to convey all his rights, title and interest in and to the said Nace and Sally to the said parties... upon condition that they shall maintain and support their said parents decently and comfortably.”²⁷ Although they did not legally free their parents, the couple lived a life outside of the ownership of a white man. They probably lived a life that looked like freedom in everything but legal status. This is another important interracial interaction in that a white slaveholder willingly sold slaves to free blacks living within the community.

As a response to the Nat Turner revolt in 1831, along with other restrictions on free black life, a new law made it illegal for free African Americans to purchase slaves other than their immediate family members in Virginia. Therefore, free blacks could not buy slaves in order to grant them liberty. No records exist of free blacks manumitting slaves from 1820 until 1860 in Bedford County, but this could be because of free black fear of the Removal Law actually being executed. Free blacks could have been scared that their family members would be forced to leave the state if they did manumit them. Through a close examination of a variety of records, it is clear that free blacks in the county did own slaves. Although it is impossible to know the exact details of their everyday life and the relationships that existed between free blacks and the men and women they owned, there are no records of free blacks legally manumitting their relatives as found in Maryland.²⁸

In Virginia, in addition to a vehicle for freedom, the moment of manumission could also include a gift from the master in order to establish the freed people within the

²⁷Thomas Mason to William Lee. Washington County Courthouse. Deed Records Book E 30. 105.

²⁸ “List of Insolvent Property for the year 1814 returned by John Claytor Jr. Deputy Sheriff for John Claytor Sheriff of Bedford County.” Tax and Fiscal Records Box. When listing names of free blacks that did not pay taxes on their personal property, Claytor listed familial relations.

community. Although white masters freed their slaves for a variety of reasons, it was unusual for them to take drastic measures to protect their former slaves financially. The most common form of support from masters included a monetary gift or personal property such as farming tools or household items. In Alexander Irvin's will, he allows for a monetary sum to be given to each of his slaves after they leave his property after a year of labor. He states, "it is my wish... they be paid by my executors the sums of money affixed to their names; that is to say to Rheuben the sum of 50 dollars, to William the sum of 50 dollars..."²⁹ No record exists that explains how the said Rheuben and William spent their money. In addition to the monetary gifts given to the men, Rhoda, the slave woman freed by Irvin, gained "my walnut bedstead, feather bed, 2 sheets (one tow and one linen), 2 blankets, mackinaw do, 1 new dark coverlift and pillow and one bolster."³⁰ In addition, she controlled the monetary gift given to her children: "to Henry the sum of 150 dollars, to James one hundred dollars, to Ambrose 100 dollars to Wiatt 300 dollars and to Mary 150 dollars."³¹

In another instance, newly freed blacks gained property to help them raise a crop. Charles Lambert freed thirty-six slaves in 1839. Lambert's will states, "my will is that all my black people of every age or sex, shall be free. I also leave them all my horses and work oxen and wagons or carts."³² While these instances did not represent typical experiences for manumitted slaves, some masters left goods such as farming tools and goods for the home to help their slaves establish for themselves a way to subsist within

²⁹ Will of Alexander Irvin, will dated 13 February, 1842, proved July 5, 1849, Will Book 14, page 143, Bedford County Registry of Wills and Probate, Bedford County, Virginia.

³⁰ Will of Alexander Irvin, will dated 13 February, 1842, proved July 5, 1849, Will Book 14, page 143, Bedford County Registry of Wills and Probate, Bedford County, Virginia.

³¹ Will of Alexander Irvin, will dated 13 February, 1842, proved July 5, 1849, Will Book 14, page 143, Bedford County Registry of Wills and Probate, Bedford County, Virginia

³² Will of Charles Lambert, proved October 12, 1839, Book 10, pg. 150.

the community. Ownership of personal property represented free black economic success and independence. Through their inheritances, they could actively engage in agriculture or outfit a home in order to establish a sense of stability for their families. Sarah Medley, one of these masters who departed from the norm, manumitted all twelve of her slaves at the time of her death and granted them “the whole of [her] lands, stock of every kind, plantation interests and every other part of [her] estate” in 1844.³³ Medley’s will reveals many things about antebellum manumission and free black experience.

First and foremost, Medley gave her former slaves land because she thought that it was a necessary part of living in antebellum Bedford County. In addition, the newly freed blacks kept the land. They did not sell it for capital. This reinforces the claim that land ownership made free blacks “freer people, in their own minds and the eyes of others.”³⁴ Free blacks in Bedford County viewed land holding as important because it afforded them the space for them to be their own man or woman.³⁵ Land took on a more tangible importance because free black men and women could provide food and homes for their families. They could subsist by growing their own gardens and planting a crop for sale. Gaining land through their former masters meant that freedom would not be fleeting; freedom could be perpetuated through generations of their family.

Second, Medley wanted her former slaves to stay in the county. This is an important white notion for free black life in Bedford County. This woman, a white member of society, wanted her former slaves to remain in the community. Many addressed this wish in their wills because of the 1806 Removal Law in Virginia. The law

³³ Will of Sarah Medley, proved May 18, 1844, Will Book 11, pg. 287. Bedford County Registry of Wills and Probate, Bedford County, Virginia.

³⁴ Ely, 97.

³⁵ Ely, 96.

states that free blacks freed after May of 1806 had to leave the state. In the law, there is a clause that free blacks could appeal to the County Court for permission to stay in the community. Alexander Irvin expressed his wish for his executors to appeal to the courthouse, “it is my wish that these slaves, to whom I have thus given their freedom... remain always in the commonwealth of Virginia and I request my executors to make a respectful request to the county court of Bedford to that effect.”³⁶ Irvin, like others in Bedford, realized the importance of reputation for free African Americans. Irvin thought that the newly freed family would be safer in a context where they already have friends, and probably family.

After gaining their freedom, the law required that free blacks register with the local courts. In accordance with the 1793 Virginia law, free blacks were required to register with the town clerk and the law stipulated that rural free blacks return to renew their registration every three years. The courthouse kept a copy of all the certificates in the “Register of Free Negroes.” Free blacks also kept a copy, as the law mandated that whites could ask for their free papers at any time. Maryland adopted a similar law in 1805.³⁷ In 1806, Virginia passed the Removal law, requiring slaves manumitted after May of that year to leave the state within a year or face re-enslavement. A year later, Maryland passed a similar law.³⁸ According to laws for both states, free papers contained a description of the person, typically referring to the skin tone on a spectrum that ranged from “bright complexion” and “mulatto” to “dark complexion” or “black complexion.”³⁹ The paper also indicated their age and any distinguishing marks, such as, “a large scar on

³⁶ Will of Alexander Irvin, will dated 13 February, 1842, proved July 5, 1849, Will Book 14, page 143, Bedford County Registry of Wills and Probate, Bedford County, Virginia.

³⁷ Berlin, 93.

³⁸ Berlin, 92.

³⁹ Compiled from the Maryland State Archives. Certificates of Freedom.

the left side of the neck under and near the jaw” or “a small scar on the first hand.” In addition, the Justice of the Peace might add familial connections, particularly enumerating a person’s father or mother if they were born free. The certificates filed after 1806 traced the person’s free status to “prior to May 1806” in accordance with the Removal law.

In Washington County, blacks had to provide sufficient proof of their free status, whereas in Bedford County, blacks relied on the common knowledge of their status to obtain their papers. In Washington, for fear of runaway slaves living amongst them with forged papers, the certificates were very detailed, whereas in Bedford, free papers contained less information about the person. Finally, while both counties regularly ignored the stipulation in the law that required renewal of freedom certificates, more free blacks in Washington County actually registered and renewed their registrations than free blacks living in Bedford County. The attention to detail within each individual certificate, frequency of registration, and the enforcement of renewal reveals that the registration process became more formal in Washington County than in Bedford County.

What the freedom certificates actually recorded depended upon multiple factors, including the clerk filing the registration and the local legal culture. The papers in Bedford County suggest that within the small community, most people knew each other. For example, when William Napper stood in front of the Justice of the Peace in the Bedford County Courthouse in late July, 1828, he faced a white man with a considerable amount of respect and power in the community. As a free black, someone whose freedom depended upon the opinions and actions of white men like the Justice of the Peace, this task would seem intimidating and dangerous. The Justice could intentionally make the

process difficult by refusing to grant the freedom papers without legal proof of freedom. However, Napper knew the white Justice since “the time he was a small boy.”⁴⁰ The Justice even recorded a short history of his family in order to substantiate the paperless free black’s free status within the community, writing, “[I] believe him to be the son of a woman known to me as Amy Napper who I have always understood was freed by Nicholas Davis Sr. late of Bedford County, and was then called Amy merchant.”⁴¹ Surprisingly, the Justice did so without referring to official documentation of the manumission; his opinion was proof enough. On July 26, he received his free papers based on the Justice’s judgment that he had “no doubt but the said William Napper is entitled to freedom.”⁴² He did not return to renew them because his free status was firmly established within the community.⁴³ Napper represents a majority of free blacks in Bedford County. When they registered, they knew the clerk and the clerk recorded this in their papers. White officials knew free blacks within the county, and free blacks could use their reputation as a tool to defend their freedom in case of further investigation. But, they rarely faced any type of investigation, probably because of the very way they gained their papers: people knew them and therefore had no question of their free status.

Although Napper experienced a typical registration dependent upon being known by a white man in the community, he stands out as one of the few to actually gain his papers. The freedom certificates for Bedford County provide only scant representation of the free black population, suggesting that local authorities and free blacks themselves

⁴⁰ Bedford County Courthouse. “Free Negro and Slave Records: Registrations and Certificates” Folder 1, paper 1. Certificate of William Napper.

⁴¹ Bedford County Courthouse. “Free Negro and Slave Records: Registrations and Certificates” Folder 1, paper 1. Certificate of William Napper.

⁴² Bedford County Courthouse. “Free Negro and Slave Records: Registrations and Certificates” Folder 1, paper 1. Certificate of William Napper.

⁴³ Evidence does not exist that Napper renewed his free papers.

ignored the law requiring registration. By 1857, only 147 free blacks registered their freedom, while the census reported that the total free black population in 1850 numbered over four hundred.⁴⁴ Therefore, only about thirty percent of the free blacks living in the county legally registered their freedom.

Free blacks did not register for various reasons, but primarily because of the lack of enforcement by white officials in the Bedford County community. In a list of sixty-three free blacks living in one district of the county, only eight had free papers.⁴⁵ The list, recorded by a white man within the county, did not cause the free blacks listed to rush to the courthouse and procure free papers in fear of punishment by the white authorities of Bedford.⁴⁶ The list, filed by one of the clerks in the courthouse, did not elicit any white action.

The free blacks listed had lived in the community their entire lives and probably knew the man compiling the list. White men clearly knew that not all of the free blacks living in their community had legal free papers, but did not feel it necessary to follow the mandates of state law. In fact, the white men chosen to compile the list probably knew the free blacks within the district that did not have free papers. In this example, the gap between state law and actual local practice is evident. Most of the free people listed lived in Bedford County their entire lives with extensive kinship ties throughout the area and worked as farmers. Most likely, the official list did not constitute the only time the free blacks listed interacted with these white men, particularly the man who compiled the list,

⁴⁴U.S. Bureau of the Census. Bedford County Census. Pg. 352.. Provided on microfilm by Jones Memorial Library. There are multiple collections of free papers see: Bedford County Courthouse. "Free Negro and Slave Records", Loose Papers; Library of Virginia "Free Negro Certifications."

⁴⁵ Free Negro and Slave Records, Folder "Undated." "A List of Free Negroes within the District." Bedford County Courthouse. Even though this document lacks a date, it still reveals the ways that whites and free blacks largely ignored the state laws.

⁴⁶ An examination of the court records for Bedford County reveal that the court did not punish any free blacks for not having free papers.

because he lived within the district. This example shows the ways that familiarity in the community creates space for free blacks to disobey the restrictive state laws in favor of more comfortable local custom. It also suggests that free blacks that did not register did not do so because they were shrinking from white authorities, as historians utilizing the ‘slaves without masters’ model argue.

Washington County represents a contradiction to the lackluster registrations found in Virginia. Bound in multiple volumes, and organized by chronology and type of manumission, the freedom certificates from Washington County give a more in-depth view of free black experience. The Justice of the Peace wrote in detail about each free black who came before him. Typically, the Justice of the Peace would follow a similar pattern. First, they list the name of the person, the means and date of manumission or family relations, age, height, skin color, countenance, scars and other distinguishing features, profession and where the person was born and raised. In addition, if a woman had any children, her registration often mentioned them by name and served as their registration as well.

An examination of the “Register of Free Negroes” in Washington County illuminates the differences between Maryland and Virginia, and the documents themselves reveal the more controlled and firm enforcement of the registration laws in Maryland. Although the basic organization of the registries is similar to those found in Virginia, important differences exist. In Maryland, the registration rate is much higher than in Bedford, with about 900 registrations by 1850.⁴⁷ Therefore, about fifty percent of the population legally registered their freedom.

⁴⁷ Maryland State Archives. Washington County Certificates of Freedom. Books A and B.

In addition, the in-depth history of injuries reported in the Maryland registrations sets them apart from the scant Virginia documents. For example, when Samuel Barnes registered in August of 1837, the clerk is very descriptive: “has a scar on his right leg produced by the cut of an axe, a mark, encompassing the second toe of the right foot produced by being caught by the cogs of a wheel attached to bolting gears in a mill.”⁴⁸ The clerk describes a free black woman named Charity as, “slight scar on the right cheek occasioned by a scratch from a child, also a mark on her left wrist... her color is somewhat light for persons who come under the denomination of Negroes, and her appearance indicates an amiable disposition.”⁴⁹ In another example, George Duffin “has several scars on his forehead and opposite his right eye, produced he says by creeping through a window pane when a lad.”⁵⁰ These types of detailed descriptions are common throughout the freedom certificates for Washington County. By describing scars and other distinguishing features, whites could identify the person in question.

Not only did the Maryland documents describe physical injuries, they also commented on appearance and reputation in the community. One document describes a free black as having, “a calm, collected and pleasant countenance,”⁵¹ in another, a man “has a good countenance and [is] altogether likely,”⁵² and other woman as having “an

⁴⁸ Washington County Court Certificates of Freedom. Book A 1806-1834. Certificate of Samuel Barnes, pg. 20.

⁴⁹ Washington County Court Certificates of Freedom. Book A 1806-1834. Certificate of Charity and child (Mary Ellen), 29 October 1838. Pg. 27.

⁵⁰ Washington County Court Certificates of Freedom Book A. 1806-1834. Certificate of George Duffin, November 3, 1838. pg. 27.

⁵¹ Washington County Court Certificates of Freedom Book A. 1806-1834. Henry Wagoner, April 11, 1838. Pg. 25

⁵² Washington County Court Cert. Book A. 1806-1834. Certificate of Moses Reilly. Nov 18, 1839. Pg. 28

intelligent countenance”⁵³ and another woman as “a rather good looking girl.”⁵⁴ These examples are important to the experiences of free blacks in Maryland. Not only did the clerk list scars or injuries to identify the person easily, the white clerk judged also judged their overall appearance and reputation.

The reasoning for the differences in the certificates can be traced to the size of the community. Washington County’s large free black population made recognition more difficult. Therefore, the clerk used detailed descriptions so that whites could identify free blacks that they did not know. In Bedford, the free black community composed a scant proportion of the total population. Everyone in the community probably knew each other. This is an important difference between the two counties. For many free blacks, being known throughout the community meant less enforcement of the registration law. It was far more likely for a free black to be asked for his free papers on the streets of Hagerstown than it was for a free black in Liberty.

In contrast to William Napper’s registration experience in Bedford County, many blacks in Washington County had to prove their free status with satisfactory evidence. About six months after Napper appeared in the Bedford County Courthouse, Sarah Ann Belhown and Henry Joseph Belhown went to the courthouse in Hagerstown, Maryland, to procure their free papers. There, as in Bedford County, the Justice of the Peace noted their family connections. He stated, “it has been proven to my satisfaction that Sarah Ann Belhown and Henry Joseph Belhown, the children of Henry & Amelia Belhown being a free woman of color manumitted by Thomas Prather of their County before birth of said

⁵³ Washington County Court Certificates of Freedom Book A. 1806-1834. Certificate of Henrietta Barnes. Pg. 46

⁵⁴ Washington County Court Certificates of Freedom Book A. 1806-1834. Certificate of Ann Cheston Jenkins, 8 July 1845. P.52

children.”⁵⁵ On January 9, 1830, both Sarah Ann and Henry Joseph Belhown obtained their freedom in a way similar to William Napper in Virginia. The Justice of the Peace passed judgment on their familial ties in order to establish their freedom without legal documentation. This shows that it was possible for free blacks in Washington County to garner a respectable reputation amongst whites in the community, however, many free blacks living in the community did not because of the size of the county.

Sarah and Henry Belhown represent free blacks known by the County Clerk; however, they do not represent the majority of free blacks that registered their status with the clerk. If the clerk did not know the person registering their freedom, they would have to provide evidence of their status. For most, this meant proving their relation to their mother, and then proving their mother’s status within the community. In one instance, Kitty Chase provided “good and efficient testimony” of her birth as a free woman in the county. The document lists her mother, Esther Chase.⁵⁶ In another example, Elie Crampton, a white lawyer from Washington County, testified to the clerk that a free black man named Elie Washington “was born free on the farm of his father... of a free woman now residing near the said Crampton.”⁵⁷ Another free black proved his freedom by “the Oath of Daniel Thomas & Jacob Speilman, two white persons, of respectable character.”⁵⁸ Like many others, these free black men and women had to provide white witness to their free status at birth in order for the clerk to accept their registration.

Although a seemingly small detail, the proof of freedom was critical for freedom in

⁵⁵ Washington County Court Certificates of Freedom. Book A, 1806-1834, “Certificate of Sarah Ann Belhown and Henry Joseph Belhown” Loose paper.

⁵⁶ Washington County Court Certificates of Freedom Book A. 1806-1834. “Certificate of Kitty Chase” March 28, 1838. Pg. 28.

⁵⁷ Washington County Court Certificates of Freedom Book A. 1806-1834. “Certificate of Elie Washington.” 11 December 1827. Pg. 73.

⁵⁸ Washington County Court Certificates of Freedom Book B. 1834-1860. “Certificate of Corban Adley” 9 October 1852. Pg. 115.

Washington County, and the information provided by the clerk provides a snippet view of free black life in the community.

The clerk's intentional addition of this detailed information, when considered with the brief explanations given in the Virginia registry, highlights the importance of being known within the community. In Natty Hopewell's registry, the clerk points to the specific document of manumission, "Records of Washington County... Tobias Johnson of the said County by his deed of manumission bearing the date in the 22nd May 1837 did liberate, manumit, set free and discharge from slavery a negro man." After establishing the vehicle of freedom, the clerk goes on to say, "I further certify that a negro man now present at the bearer hereof called Natty Hopewell... has proved to me by testimony which is satisfactory that he is the above named in said deed of Manumission."⁵⁹ The clerk chose to include a direct quote from the original document. To do so meant that he went through basic steps in order to research the free black. Moreover, in addition to finding the actual will and testament of his former owner, the clerk enumerates the ability of Hopewell to provide evidence that he is the person freed in the will. With this addition, the clerk became the white testimony for Hopewell.

In another instance, the clerk references the exact location of the deed of manumission: "William Dunmore, a mulatto man, manumitted in the year 1822 by Jacob Milley and others as will more fully appear by reference to Liber FF folio 756 and 757, one of the Land Records of Washington County."⁶⁰ Here, the direct reference to the legal document that granted freedom represents a defense for Dunmore. Again, the clerk had to research the claim made by the free black and consciously included the exact location of

⁵⁹ Washington County Court Certificates. Pg. 21. Natty Hopewell. Dec 27th 1837.

⁶⁰ Washington County Court Certificates of Freedom Book A. 1806-1834. William Dunmore. 39.

the deed record. This seemingly small detail is important in understanding the type of community that newly freed slaves entered after manumission because it reveals the importance of the document of manumission in proving their status. Most free blacks in Washington County could not rely simply on reputation within the community.

The clerk in Maryland sought the same consideration for legal proof of free status for slaves manumitted by will and testament, as well as deeds. When Harriett attained her free papers on 14 February 1844, the Register of Wills states,

I do hereby certify to all whom it doth or may concern, that on an examination of the records and papers in the Office of Register of Wills for Washington County, it appears that the last will and Testament of Barbara Hoffman late of the County aforesaid, deceased, bearing date the 11th day of July in the year... one thousand eight hundred and thirty one was proved and recorded in said office, on the 20th day of August, in the year of our Lord, one thousand eight hundred and thirty one in Liber 6 Folios 3483490350.⁶¹

The Register lists the exact location of the will, presumably for future reference if a white man ever questions Harriet's free status. The repetition of her legal claim to self-possession represents a limited legal right for free blacks in antebellum Maryland. She could use this document to counter any arguments made about her legal status within this large community.

The Register of the Wills further defends Harriet's legal status of freedom by explaining, "that the said Barbara Hoffman by her will among other things did devise and desire 'that her negro servant Harriet serve to the age of forty eight years then to be free.'"⁶² Again, he quotes from the document, using the deceased master's own words to describe the moment of manumission. This signifies the slaveholder's wish and desire for

⁶¹ Maryland State Archives. "Record of Free Negroes to whom papers have been granted from 21 of June 1842," pg. 17.

⁶² Maryland State Archives. "Record of Free Negroes to whom papers have been granted from 21 of June 1842," pg. 17.

freedom for her slave. Further, it legitimizes the legal rights of freedom versus the chattel ownership of slavery. After quoting from the last will and testament, the Register of the Wills continues, “and I do further certify, that it has been proven by such testimony as is satisfactory to me” that the person in front of him was the slave manumitted in the will.⁶³ With this statement, the Register provides his own opinion for any white men who would read the document. This is an important interracial interaction. By signing his name to this freedom registry, and others like it, he is giving even more proof for the free black in case of any questions from others. In any circumstance, Harriet could use this document in order to successfully defend her freedom.

This reliance on documentation or white testimony for free blacks to gain their free papers allowed for more movement by free blacks into the county. For instance, Charles Millings’ free paper described him as:

a black man hath satisfied me by sufficient testimony that he was born free in the town of Windsor in the State of Vermont where his relations now live, that he resided there until about three years ago. Then he waited on Several officers during the late war in the North Western army of the United States, that he went on from the army with Doctor Bull to the State of Virginia, and came to this County about four or five months ago.⁶⁴

Millings, through evidence of his story, could attain a free paper regardless of the laws restricting free black movement.

Millings was not the only one in Washington County to register after moving to the area. In another example, Catharine Welch’s free paper reads, “it has been proved by testimony that is satisfactory to me [Otho H. Williams Clerk of Washington County

⁶³ Maryland State Archives. “Record of Free Negroes to whom papers have been granted from 21 of June 1842,” pg. 17.

⁶⁴ Maryland State Archives. Freedom Certificate Book A pg. 24. Freedom Certificate of Charles Millings. 19 February 1819.

Court] that the bearer hereof... was born free in Anne Arundel County Maryland.”⁶⁵

There are multiple others, including a free black man who moved to the county from Baltimore City after traveling there from his native country, St. Lucia.⁶⁶ White men allowed these free blacks to move to Washington County. They did not forbid them from settling because of fear of an unknown person living in apparent contradiction to slavery. As long as free blacks could produce testimony and evidence that would quell questions about their nativity and free status, they could gain their free papers. Free blacks knew about this requirement; they would bring their evidence with them to the courthouse. They utilized their knowledge of local norms, that free papers could be granted to those who move into the community if they have evidence of their status, and took advantage of it in order to gain permission to settle in the area.

In Virginia, when a former slave registered his or her freedom, the clerk would only list the name of a former master; he would not go into detail concerning the circumstances of manumission, and did not quote from the document of manumission. Often, the free papers looked like tiny slips of paper with only a sentence describing the person in question. These important differences can be explored further by examining interactions of free blacks and whites within the society. However, by comparing the two “Registries of Free Negroes” it is clear that manumitted slaves in Bedford entered a community where they most likely knew most of their neighbors, whereas manumitted slaves in Washington County did not know the entire community. The large free black

⁶⁵ Maryland State Archives. “Freedom Certificates Book A” Freedom Certificate of Catharine Welch, November 16 1832. Pg. 102.

⁶⁶ Maryland State Archives. “Freedom Certificates Book A” “Freedom Certificate of Peter Blanchard, pg. 26.

class, in addition to the larger white population of the county, made it difficult to know as many people as in the smaller community of Bedford.

The differences between the freedom certificates point to important differences in the local cultures of the two communities. The Registrars and the Clerks of Washington County wanted the free papers to represent the free status in a rigid, structured, and legal way. Freedom papers in Maryland meant being able to legally prove their freedom through actual documentation. Freedom papers in Virginia rarely mentioned the legal documents concerning manumission and did not quote from them at all. In Bedford, white officials knew a majority of the free blacks applying for their freedom. In Washington County, free blacks had to present sufficient evidence to prove their status and register their freedom.

According to state law, free African Americans did not only have to register their freedom but they also had to renew their free papers every three years in rural Bedford County. However, as seen with the low number of registrations, both whites and blacks ignored the law, especially the stipulation of renewing the registration. Even those who did register did not renew every three years as the law demands. In the fifty-seven instances of registration in Bedford County, Virginia, only three renewed.⁶⁷ No records exist to suggest that white leaders punished free blacks for not having current freedom certificates.

In Maryland, renewal of freedom papers often went unnoticed, as well. In fact, less than half of the people who registered with the county court renewed their certificates in Maryland. The only free blacks to renew regularly, or even more than once

⁶⁷ 1850 U.S. Census for Bedford County, Virginia. Provided on microfilm by Jones Memorial Library. There are multiple collections of free papers see: Bedford County Courthouse. "Free Negro and Slave Records", Loose Papers; Library of Virginia "Free Negro Certifications."

in the twenty years, were under control of the Orphans Court.⁶⁸ Perhaps white officials only enforced the renewal portion of law when dealing with the poor or with those under direct court control.

The moment of manumission represents an important, if not the most important, aspect of free black experience in the Upper South. Despite state laws that reinforced the color line that maintained deep racial divisions in the community, the local records prove that African Americans developed significant relationships with whites in their communities. In particular, their reputations with their masters and influential local leaders helped in their ability to establish their freedom. In addition, it reveals the important ramifications of their reputation within the community to their ability to gain and assert their freedom. If whites within the community knew a free black person, they rarely challenged their free status, even if they knew that they were breaking a state law by living without legal free papers. Most whites wanted their former slaves to stay in the community and signed legal documents attesting to their positive addition to community through their economic impact and their honorable characteristics.

Although whites in both locales placed importance on the reputation, the examination of manumission and registration documents reveal the different ways that this concept worked on the ground within each local community. Because of the heightened state of white fear concerning the gradual emancipation of slavery in the Maryland Piedmont, slaves experienced different forms of manumission and freedom registration than in Virginia. In Virginia, slaveholders most often freed their slaves through their wills, and the small size of the free black population meant that registration was an informal experience, often based on common knowledge of the individual. In

⁶⁸ Maryland State Archives. Washington County Certificates of Freedom.

Maryland, slaves gained their freedom in many ways, but most frequently in deed agreements that included some type of gradual manumission until the individual reached a suitable age, and their registration experience was a formal affair, requiring them to produce sufficient evidence of their status before obtaining their free papers. Free African Americans knew this system, and frequently used it to their own advantage in garnering and perpetuating their freedom throughout generations.

Chapter 2

Land and Labor: Free Black Engagement in the Local Economy

After African Americans gained their freedom, they frequently participated in the local economy through their occupations and property ownership. Free blacks, building upon their networks of contacts and skills, some gained while enslaved, worked to provide for themselves and their families. An examination of sources relating to the local economy reveals the complex race relations operating on the ground, and the ways that free blacks could maintain and perpetuate their status throughout multiple generations. A discussion of the occupations available in each county traces the tangible differences between an economy based mainly on slave labor and an economy that is in a transition from slave labor to free labor, and comparison of property ownership, including both real and personal, highlights the ways that racial divisions functioned on a day-to-day basis in each locale.

The dimensions of local economy in rural settings deeply influenced race relations within each community. Free blacks in both locations persistently engaged in business relationships with whites in the community, thereby complicating the ‘slaves without masters’ model of the color line. In addition, the intricate and complex differences between race relations in each county call into question the model’s acceptance of a uniform Upper South and suggest that the differences between geographic regions are too important to give only a passing nod.¹ In fact, large differences existed between Maryland and Virginia that shaped the lives of all African

¹Berlin, xxviii. Berlin addresses the differences in the Upper South in a footnote, “The social distance between urban Delaware and the Virginia countryside... was often as great as any between the Upper and Lower South.”

Americans, free or enslaved, as seen through each individual county's data. In Washington County, the institution of slavery suffered from the geographical proximity to free land in Pennsylvania. There, whites feared the end of slavery, and free blacks stood out as a clear contradiction to the already waning institution. In Bedford County, slavery as an institution remained intact. Although the county faced a decline in tobacco culture as wheat production increased, slavery remained engrained in daily life and whites did not face the same sense of drastic paranoia that slave owners in Washington faced daily. In both counties, free blacks engaged in a range of various occupations, both skilled and unskilled, and frequently interacted with their neighbors, whether black or white.

On the surface, free black life in both communities looked similar. In fact, free blacks in both communities actively participated in business dealings with whites. This occurred partially because of necessity and the rural communalism found in such communities elsewhere in the South. Free African Americans had more than financial incentives to engage in economic transactions with whites; through their business dealings, they could become better known in the area, thus creating more space to maneuver within the community despite strict state laws. Thus, the findings from both counties rebuke the argument found within the historiography that urban spaces lent more freedom than rural ones because urban locales allow for free blacks to create their own space away from whites. However, the economic differences between the communities meant that free blacks in each locale experienced freedoms differently.

In Bedford, the institution of slavery remained relatively strong despite the downward trajectory of the tobacco market, and the free black class remained small

proportionally. Despite the decrease in tobacco crops, Bedford still remained within the tobacco belt, a portion of the country that grew the most tobacco.² The small class of free blacks in Bedford engaged in daily business dealings with whites that they had known their entire lives. These interactions suggest that although whites were concerned with free blacks as a general concept, familiarity within the rural context facilitated what some historians call a “loophole, the give, the deeply human interactions... and the African American achievements within that system.” Free blacks could gain room to maneuver within the community despite the ideals of “white supremacy and economic exploitation” at the heart of a slave society.³ While free blacks in Washington County also frequently interacted with whites in the community, the transition from a slave to free labor economy forced the issue of free blacks as a contradiction to slavery into the limelight, and this could inhibit the ability of a free African American to create a solid reputation within the community.

Emancipation had early roots in Washington County. Following the Panic of 1819, slavery suffered tremendously in the Maryland piedmont. Landowners, “faced with mounting slave resistance and stagnant demand for wheat, their primary staple,” had to decide how to keep afloat financially. This meant finding a more efficient workforce. Although whites divided over what types of labor to supply, many decided on free labor and began to free their slaves. During the decades between 1830 and 1850, northern Maryland, particularly the western piedmont portion, experienced an economy in the midst of change from slave labor to free. The process in Washington was slow, and

² See Lynda J. Morgan, *Emancipation in the Tobacco Belt, 1850-1870* (Athens: University of Georgia Press, 1992).

³ Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War* (New York: Alfred A. Knopf, 2004), 14.

throughout the antebellum years, the distinction between the two was not always clear.⁴

As Barbara Fields argues, Washington County became a middle ground, constantly shifting and changing, from slave to free labor economy.⁵ Part of this shift also involved the increasing industrialization and the opening of new trade routes within the county that also created different jobs for free African American Marylanders not available in Bedford County.

Specifically, the county witnessed the growth of iron works companies, like Brinn's Antietam Iron Works, and the completion of the National Road that helped trade westward to Indiana and the construction and eventual completion of the Chesapeake and Ohio Canal (C&O canal). All of these industrial improvements held consequences for free blacks in the community, through the opportunity of jobs or the ability to trade their own goods through the new roadways.

In Bedford County, internal improvements lagged behind Washington. On her journey from Liberty to the Peaks of Otter in late 1862, Lucy Breckinridge, the daughter of a wealthy family, describes the terrible conditions of transportation throughout the county, "the road [was] very rocky and terrible... At one terrible jolt someone of the party became poetic and parodied Longfellow's piece... we all agreed that 'into each life some *stones* must fall, some roads be rough and *rocky*.'"⁶ Although Breckinridge poeticizes the bad travelling conditions, her observation serves as a serious comment on the ability to travel, and more importantly, the ability to transport goods in and out of the

⁴ Max Grivno, *The Gleanings of Freedom: Free and Slave Labor Along the Mason-Dixon Line, 1790-1860* (Urbana: University of Illinois Press, 2011), 9.

⁵ Fields, 1-22.

⁶ Breckinridge, Lucy, and Mary D. Robertson. *Lucy Breckinridge of Grove Hill : The Journal of a Virginia Girl, 1862-1864 ; edited by Mary D. Robertson* (Kent, Ohio : Kent State University Press, c1979), 80.

county for much of the antebellum period. Transportation, critical to the agricultural economy, became a key issue over the antebellum period. Bedford representatives in the state government continually lobbied for the extension of the James River and Kanawha Canal System through the county. However, construction did not end until 1849, due to delays and hang-ups for funding in the state legislature. This kept the community relatively isolated. Although people, white and black alike, moved west to places like Kentucky and Ohio, there seems to be little movement to the county from areas farther east as they had prior to 1800.⁷

One's occupation was one of the most influential means of interacting with others in the community. The jobs held by free African Americans defined their experiences within the community. In Bedford County, free blacks found employment in mostly agricultural pursuits. Their trades, often learned while still in bondage, became a way to provide financially for themselves and their families and, more importantly, a channel through which to forge relationships with whites, both poor and wealthy. Slaves, whites, and free blacks often interacted, whether in the fields, and in blacksmith shops and cobbler stores. Whether they worked together or simply provided patronage of the business, blacks and whites knew each other. The small free black population and the relatively solid state of the institution of slavery meant that race relations remained somewhat peaceful.

A list of free African Americans in 1851, gives a snippet view into the occupations of the free black population of the Southern District of Bedford County. The

⁷ Allan Kulikoff, *The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: University of North Carolina Press, 1986.), 146-7. The charts created by Kulikoff reveal a steady increase in movement into Bedford County, at least until 1780.

commissioner taking the list includes occupations for all eighteen women. The commissioner lists spinning as an occupation for six women, “spinning & weaving” for six, housekeeping for four more, “spinning & house keeping” for one, and “spinning & washing” for one.⁸ These women doubtless worked for white families in the area.

In addition to the women, the commissioner enumerated the occupations of thirty-four men. Thirteen men reported their occupation as farmers, one as an ordinary, one as a tanner, one as a miller, two as blacksmiths, seven as “hiring about,” five “hired by a farmer,” one “hired to a blacksmith,” two as a capper, and one as invalid.⁹ In another list recorded in a different part of the county in the same year, the list shows that some free blacks worked on the turnpike, as ditchers and hostlers.¹⁰ Although some free blacks worked on the road, an overwhelming number worked in agriculture.

Most free blacks worked as farmers either for themselves or as hired hands. This meant that they subsisted on their own land in order to support their families. Their children would work as laborers and they would enlist the help of other laborers around the county for their farm.¹¹ While most details are unknown about these informal agreements, the proximity of free black landowners to white landowners probably meant that they would work together to harvest the crop. These interactions, though forced somewhat by geography but also by necessity, serve as an example of interracial interaction not revealed by the study of state law alone.

⁸ “A List of free Negroes of 12 years of age & upwards within the Southern District of Bedford County for the year 1851), Bedford County Virginia Personal Property Tax List 1845-1851.”

⁹ “A List of free Negroes of 12 years of age & upwards within the Southern District of Bedford County for the year 1851), Bedford County Virginia Personal Property Tax List 1845-1851.” An ordinary means that the free black was employed by a tavern.

¹⁰ “List of All Free Negroes in the District of John G. Kasey Commissioner of the Persons in the County of Bedford for the Year 1857.” Bedford County Circuit Courthouse.

¹¹ Ely, 50.

A skilled worker, after establishing a business in Bedford County, could perpetuate their success for the benefit of their family. Often times, young boys would learn a trade through an older relative. For example, William Morris's three sons James, Abner and Tom all reported the same occupation as their father.¹² Although records concerning Morris's business are nonexistent, he had very wealthy neighbors. In fact, all of the surrounding families owned land valued over 2,000 dollars. Any of these farmers could have been his employers as his real estate is valued at 1,700 dollars, a sign of a very profitable business.¹³ Morris's sons certainly benefitted from their father's established business and reputation.

In Washington County, free blacks worked as blacksmiths, cobblers, and farmers, as well, but their location provided a more unpredictable labor system, particularly for farm laborers. Farmers in Washington County had to deal with "roaming bands of harvesters" throughout this time, as workers followed the harvesting season of wheat in and out of counties. Due to the need for a flexible work force in wheat and grain production, the state of Maryland passed a law in 1818 that allowed slaves to "act free" and hire out their own labor for twenty days at harvest time.¹⁴ As one historian notes, "allowing the enslaved to seek outside employment may have imbued slavery with a measure of plasticity it needed for wheat production, but it also cracked open the door to freedom" because it allowed for an easier escape for slaves.¹⁵

¹² U.S. Bureau of the Census. Bedford County Census for 1850. Pg. 697.

¹³ U.S. Bureau of the Census. Bedford County Census for 1850. Pg. 186.

¹⁴ "A Supplement to the Act, entitled, and Act to Prevent the Inconveniences Arising from Slaves Being Permitted to Act as Free," 4 February 1818, Laws Made and Passed by the General Assembly of the State of Maryland, at a session Begun and Held at the City of Annapolis, on Monday the First Day of December, Eighteen Hundred and Seventeen (Annapolis: Jonas Green, 1818).

¹⁵ Grivno, 129.

Slave owners placed multiple ads for runaways that enumerated their concerns about their slaves joining in with workers travelling through Washington County, or travelling through the county to reach freedom in the state of Pennsylvania. A glance at the Hagerstown newspapers reveals a new advertisement almost weekly. In one example, Mary Love posts a reward for the return of her slave man, Richard Gant, to her home in Fauquier County, Virginia. Love has reason to suspect that Gant “fraudulently obtained from several individuals, money enough to answer all of his purposes” and likely changed his name and clothes and “obtained a free pass, or some spurious counterfeit papers, and will pass himself for a free man, and endeavor to reach some free state.”¹⁶ One slaveholder from Winchester, Virginia, feared that his slave “has taken the course... to get to Pennsylvania, and may have free papers.”¹⁷ One slaveholder from Nashville Tennessee thought that his two slaves would “endeavor to get up the river on board some boat” and travel through the county.¹⁸ In 1825, William Merrick thought that his slave, Ned, who escaped from Charles County, would travel to St. Mary’s County, Maryland or Leesburg, Virginia, then attempt to “escape to Pennsylvania, through Washington County, where he worked some years since, at Hughes’ Iron-works.”¹⁹ The mixture of a slave and free labor heightened racial tensions, especially in an area where laborers migrated depending upon cultivating season. Slaveholders continuously cited Washington County as a community where their slaves could pass as free if they had forged free papers, money, or connections in the area.

¹⁶ “\$100 REWARD” *Torch Light And Public Advertiser* 28 February 1828.

¹⁷ “\$40 Reward” *Torch Light*, 10 September 1835.

¹⁸ “One Hundred Dollars Reward” *Torch Light And Public Advertiser* 24 July 1828.

¹⁹ “\$100 Reward” *Alexandria Gazette*, 1825.

Nevertheless, farmers throughout the county continued to hire a mixture of slaves, free blacks and poor whites throughout the year. In John Blackford's journal, he records workers arriving at his plantation and starting their work on the same day.²⁰ In addition, he notes that two free blacks he hired to cut wood left for the town of Sharpsburg in search of more labor.²¹ It was uncommon for free black field laborers in Washington County to work for or with the same people from year to year. The amount of migration created an atmosphere quite different from Bedford; these men found it difficult to build similar types of relationships in the Maryland piedmont. However, blacks, both free and enslaved, and whites, usually poor but occasionally landed men, regularly worked together in the fields the white paranoia of the external threats to the social order kept race relations on edge.

Even though the migratory workforce may have provided more options for slaves to take steps towards freedom in Maryland, it could have negative consequences for free black farm laborers because it spurred a fear of runaway slaves living in the county. Local politician Benjamin Galloway expressed the underlying vulnerability of the racial order in his March 1827 article, "Let there be Light." In the article, he condemns many of the local leaders, including a Senator and two Delegates for the county for poorly choosing the judges for the Orphans Court of Washington County. According to Galloway, their latest offense to the people of the county was that they "did, on the 10th day of October last, actually bind a poor, friendless, illegitimate, white orphan child, named William Price, aged 13 years, to a certain man of colour, named Hezekiah

²⁰ John Blackford Journals. <http://docsouth.unc.edu/fpn/blackford/blackford.html>. Blackford mentions hiring hands from Virginia and Pennsylvania. 6.

²¹ John Blackford Journals. <http://docsouth.unc.edu/fpn/blackford/blackford.html>. 12.

Clements, a blacksmith, as an apprentice.”²² The article, clearly a political attack made in order to discredit his adversaries in the local government, highlights the important undercurrents in a slave-to-free labor economy. He publicly mocks them by joking that the judges chose the free black as “the master assigned to him in preference to all others, by order of said right proper Judges.” For Galloway, the only redemption in this deplorable situation lies in “that the said poor, helpless and most unfortunate white orphan, had been lately removed from the service of the coloured free-man... by the opportune and humane interposition of” the associate judges of the county court. He effectively ends the piece by asking for an answer from those responsible for the “strange” incident so the people can “place the saddle on the right horse.”²³ By apprenticing a white child to a black man, men in power questioned the social structure in a terrifying way; they had willingly left the responsibility of a white child to a free black man. However, the importance of this article does not lay in Galloway’s condemnation. White judges viewed a free black man as a legitimate person to bind a white child. This example highlights the possibility of black success in the community and the white anxiety over racial divisions in the community.

In 1828, construction began on the Chesapeake and Ohio Canal in Washington D.C., and by 1850, the canal reached to Cumberland on the Potomac River. The canal, meant to open a transportation and trading route to the west, created many occupations, including opportunities for master craftsmen and laborers, but required somewhat migratory employment as the workers generally followed the construction. A few free black men found employ as boat captains. In February of 1830, a slaveholder from

²² “Let there be Light” *Torchlight and Public Advertiser* [Hagerstown, Md.] 29 March 1827.

²³ “Let there be Light” *Torchlight and Public Advertiser* [Hagerstown, Md.] 29 March 1827

Shepherdstown, Virginia, ran an advertisement for his escaped slave woman, Fanny, because he believed that she would be heading through the county in order to reach Pennsylvania. Particularly, he stated, “Fanny has a free husband, named Charles Mash, (a boatman) and it is probable they are together and will aim for Pennsylvania.”²⁴ Mash represented a threat to white men in multiple ways. He could help slaves escape from their masters easily with his access to a boat. In addition, he became competition for white boatman working on the canal. The number of free black boatman consistently caused issues with their white competitors.²⁵

The economic changes offered more variety for jobs, even outside of working for the road or the canal. In one instance, Lewis Chase, twenty-seven years old at the time of his registration in August 1833, reported his trade as a printer. Born in Baltimore, Chase moved to the area with his master William D. Bell, a lawyer, who manumitted him.²⁶ As a part of the process of changing to a free labor society, white men began to list job openings in the newspaper specifically looking for free blacks to fill a limited-term position. In December of 1830, a farmer ran an ad stating, “wanted to hire by the year, two Negro MEN, who understand the work of a farm, Apply to H. Lewis.”²⁷ In 1826, a blacksmith shop placed an ad looking for a free black to work in the shop yearly.²⁸ Blackford’s journal of his Ferry Hill plantation seems like a revolving door of workers, hiring many migrants that he only calls by “German,” “Free Negro,” even hiring a white

²⁴ “Let there be Light” *Torch Light* [Hagerstown, Md.] February 18, 1830.

²⁵ Wheelock, Perry Carpenter. *Farming along the Chesapeake and Ohio Canal, 1828-1971* [electronic resource]: a study of agricultural sites in the C&O Canal National Historical Park / by Perry Carpenter Wheelock. Hagerstown, Md.: U.S. Dept. of Interior, National Park Service, Chesapeake & Ohio Canal National Historical Park, [2007], 2007. JAMES MADISON UNIV's Catalog, EBSCOhost (accessed February 15, 2012).

²⁶ Circuit Court Certificates of Freedom Book A. P. 104.

²⁷ *Torch and Light* [Hagerstown, Md.] Dec 23 1830.

²⁸ *Torch Light* [Hagerstown, Md.] January 24, 1826.

man and his slave from Virginia to work side-by-side in the field.²⁹ These Washington plantations became a place where white and black mingled and worked together like Bedford.

As a part of the manumission process, some slave masters would hire out their slaves for a period of time to learn a skill before they could gain their freedom, a process more common in Maryland than in Virginia. This process could help a slave gain business contacts in the area that would carry into freedom. As one of the most successful free blacks in Washington County, Thomas W. Henry gained his freedom in a similar way. According to his narrative, Henry, as a slave, went to Hagerstown with his master Richard Barnes, where Barnes hired out Henry until he turned twenty-one years old. Once in Hagerstown, Henry constantly negotiated terms with different masters who owned blacksmith shops. After much difficulty with two different blacksmiths, Henry turned to John T. Mason, a white man in the community, for help. Henry describes, “finding that I could not stand the treatment of this man, I left and went back to John T. Mason, who sent me with a letter to Daniel Rikehardt [his former master], stating that, if I did not suit him, he should give me a letter to hire myself to any one who suited me.”³⁰ Not only does this reveal the types of negotiation that slaves had while in slavery, it also highlights the important relationships that they developed with white men.

Henry not only developed relationships as a slave, but he utilized them in order to arrange a new master for the rest of his bound time. Rikehardt allowed for the sale of Henry to a man living on his farm. Henry explains the reason for the sale as, “A man

²⁹ John Blackford Journals. <http://docsouth.unc.edu/fpn/blackford/blackford.html>. Blackford mentions hiring hands from Virginia and Pennsylvania. 14.

³⁰ Rev. Thomas W. Henry, “Life of Rev. Thomas W. Henry,” <http://docsouth.unc.edu/neh/henry/henry.html> (accessed 27 December 2011), 6.

living on Rikehardt's farm, who kept a blacksmith shop, was acquainted with me, and, by my request, he bought the remainder of my time, which was about four years.”³¹ When his new master decided to move to Pennsylvania, he offered to take Henry with him, but Henry refused and asked him to find someone local to buy the rest of his time. According to Henry, the man “went to Hagerstown, where he knew another blacksmith by the name of Abraham King, and conversed with him in reference to me, and he very readily agreed to take me, and on the 1st of January, 1819, I went with him.”³² King hired Henry until his term expired and he gained his freedom in January of 1821. He travelled back to his native St. Mary’s County Maryland to get his papers, and his master “assisted” him in obtaining them.³³ Not only did his former master help him to procure free papers, he also hired him when he returned to Hagerstown.

In Washington County, more opportunities existed for industrial occupations, although these types of jobs did not always provide their laborers with a multitude of freedoms. For instance, multiple free African Americans, as well as white and slave laborers, worked at Brinn’s Antietam Iron Works. All the laborers were required to live on the Works’s property. Although a bonus for the workers as it provided a home for their families, it also meant that the company could place restrictions on their social lives outside of the typical workday. In the mid 1830s, when a free black minister, Thomas W. Henry, continued in his circuit for the church by attending Brinn’s Antietam Iron Works, multiple free blacks worked there. According to Henry, Mr. Brinn, the owner of the

³¹ Rev. Thomas W. Henry, “Life of Rev. Thomas W. Henry,” <http://docsouth.unc.edu/neh/henry/henry.html> (accessed 27 December 2011), 6.

³² Rev. Thomas W. Henry, “Life of Rev. Thomas W. Henry,” <http://docsouth.unc.edu/neh/henry/henry.html> (accessed 27 December 2011), 7.

³³ Rev. Thomas W. Henry, “Life of Rev. Thomas W. Henry,” <http://docsouth.unc.edu/neh/henry/henry.html> (accessed 27 December 2011), 10.

business, told him “that he did not wish any of his men to marry slave women, and he would rather they should marry free women and bring them on the place, and he would have them there with him, that he might do and care for them as he liked.”³⁴ Clearly, Brinn wanted complete control over his workers, and did not want them to leave his property to go to an enslaved wife.

Free blacks in both locations held occupations that involved customers from all over the community. Not only did they find employment in unskilled positions, but in skilled ones as well. The nature of their occupations meant that they assumed a visible position in society dependent upon their ability to cultivate a reputation in the community. The occupations available to free workers varied county by county. In Bedford County, workers found employment as farmers, whether for themselves or for a property holder, blacksmiths, tanners, and cobblers. The development of transportation routes and iron works in Washington County offered more industrial jobs pouring iron or working as nailers, but a large portion of the population also worked in agricultural pursuits, as well.

If occupations provided an outlet that free blacks could utilize in order to create and maintain business relationships with whites, their living situations reflected the relationships. Records for homes that free blacks lived in, especially homes situated on land that they did not own, are thin if they exist at all. However, the census data can be useful in determining a general sense of where free African Americans lived, and who they lived near. According to the directions issued to those taking information to the census in 1850, a dwelling house is “a separate inhabited tenement, containing one or

³⁴ Rev. Thomas W. Henry, “Life of Rev. Thomas W. Henry,” <http://docsouth.unc.edu/neh/henry/henry.html> (accessed 27 December 2011), 11.

more families under one roof.” A family could be defined as, “either one person living separately in a house, or a part of a house, and providing for him or herself, or several persons living together in a house, or in part of a house, upon one common means of support, and separately from others in similar circumstances.”³⁵ The census reports from 1830, 1840, and 1850 show that free blacks in both communities prioritized keeping their families together and finding a home above any other aspect of free life. In the ‘slaves without masters’ model, historians have argued that free blacks could carve out more freedoms in urban environments because they could establish a community away from the prying eyes of whites bent on returning them to slavery.

In 1830, a total of 25,235 people lived in Washington County; 1,270 free blacks, 21,072 whites, and 2,893 slaves. Of the free black population, 171 were heads of households, with a majority of males assuming the title. In the same year, in Bedford County, 20,246 total people lived in the county, 11,123 whites, 8,782 slaves, and 341 free blacks. Of the free black population, the census lists forty-two as heads of households.³⁶ The proportion of free black heads of households is nearly identical, 12 percent for Bedford and 13 for Washington, and suggests that free blacks lived with a large number of people within their dwellings and that part of the population lived in households headed by white men.

While many scholars have found that ownership of personal property, such as clothing and blankets, became very important to enslaved blacks, free blacks placed more importance on landownership. Landownership, an important part of life for any one

³⁵ “1850 Census: Instructions to Marshals and Assistant Marshals,” Minnesota Population Center, University of Minnesota. <http://usa.ipums.org/usa/voliii/inst1850.shtml>.

³⁶ U.S. Bureau of the Census. Bedford County, Virginia, Census for 1830; U.S. Bureau of the Census. Washington County, Maryland, Census for 1830.

living in an antebellum rural community, made free blacks “free people, in their own minds and the eyes of others.”³⁷ The ability to own land became an important distinction between bondage and freedom; therefore, landownership presents one key way to define success for the free black population. Land represented more than just capital for free African Americans. It provided the ability to provide for their family and maintain their free status. Landowners could plant a garden and raise food to eat and sell. It also provided a home for their extended families. In addition, landownership meant that free blacks gained new rights within the legal system. Southerners frequently litigated over every kind of property.³⁸ Their right to land meant an ability to go to court and fight for justice.

Although many free blacks did not own land, those numbers can be misleading. Because of the lack of sufficient population data, the actual numbers include all of the free black population, even children who could not own land. Despite these flaws in the evidence, the landholding percentage can be valuable in revealing where free blacks lived. Although many did not own land, a majority lived on property owned by other free blacks, including their relatives.

In Bedford County, free blacks purchased land from whites in the community that could be used in many ways but often served as a place to build a house. A free black woman bought fifteen acres from a wealthy white man in 1834.³⁹ In 1843, Ferdinand Early bought a tract of land bordered by three white men along the Otter River for

³⁷ Ely, 97.

³⁸ Ely, 263.

³⁹ Haynes to Lowry. Deed Book 7. Page 52. Bedford County Courthouse.

twenty-five dollars.⁴⁰ In 1823, a white man bought land from William Pullin.⁴¹ In 1840, three members of the Haynes family-- Daniel, Eliza, and Flanders-- owned land. Ten years later, Caleb joined his relations in owning land in the county (see Map 1). Flanders, Daniel, and Eliza owned 326 acres along the Big Otter River about five miles from the courthouse in Liberty, the county seat of Bedford County. Their land was valued at \$3,260 in that year.⁴² Caleb lived in the “Southern District” of the county, as he and ten other family members sold their interests in plots of the original Haynes land and moved south of Liberty in 1835.⁴³

Land could also represent a place to start a business, as well. In 1852, Daniel Haynes secured a half acre of land within the limits of Liberty, about six miles from his other piece of property outside of town. Here, he built a shop for his occupation as a cobbler.⁴⁴ This purchase, although rather small at first glance, represents the possibilities available to this free black man. He bought a plot in the city center from a white man. This small transaction highlights the seemingly easygoing race relations within the community in that a white man willingly sold a portion of property, a visible piece of land, to a free black man. The basis for this event, possibly purely economical, could also hint toward the familiarity of the Haynes family with parts of the white community. Their family lived, worked, and even interacted in the white community for nearly fifty years.⁴⁵ Although his white neighbors did not consider Daniel Haynes their social equal, they

⁴⁰ Early and Steptoe. Deed Book 10. Page 98. Bedford County Courthouse.

⁴¹ Hawkins and Pullen. Deed Book 5, page 104. Bedford County Courthouse.

⁴² U.S. Bureau of the Census. Bedford County Census for 1840 and 1860. See Map 1.

⁴³ Bedford County Census Data 1850. For information concerning the court case, *Caleb Haynes v. Flanders Haynes et al.*, Bedford County Chancery Cases, Bedford County Courthouse. The case was not settled until 1845 thereby explaining Caleb Haynes's absence in the Census data of 1840.

⁴⁴ Bedford County Courthouse, Bedford Virginia. Library of Virginia's Department of Taxation, Land Tax Records. Reel 200, Bedford County, 1852-63.

⁴⁵ Aunspaugh to Blake. Deed of Trust. Book 24 Pg. 124. Bedford County Courthouse

participated in economic activities with him in equal terms. The land represented a tangible freedom, one seen by everyone in the community.

In addition to these sales, free African Americans also arranged with whites for loans to purchase their lands. In 1834, Daniel Aunspaugh, a prominent, wealthy white lawyer, agreed to terms with Betsey Blake, a landless free black woman, to loan her money to purchase a fourteen-acre tract of land just outside of Liberty. According to the terms of the agreement, she had to repay Aunspaugh by December of the same year. In March 1834, Blake bought the land for forty-seven dollars and twelve cents. The land, along “the road from New London” became home to Blake’s family.⁴⁶ By 1850, the census reported two dwellings on the property, including one with Betsey Blake as the head, and one with her son, Reuben Blake as head; both were listed as farmers.⁴⁷

Her land, worth approximately seventy dollars according to the census, represented more to her than a financial investment. She could offer her son, Reuben Blake, and his young family a place to build a house and farming land. Much like their neighbors, white farmers who owned little to no real estate, the extended free black family subsisted through their ability to gain land and cultivate it collectively. Like the Blake family, other free black families in the county shared land, if not dwellings. In the 1850 census, Henry Goff, a blacksmith, reported two dwellings on his land, one of which was headed by his daughter, Polly and her six young children.⁴⁸

⁴⁶ Aunspaugh to Blake. Deed of Trust. Book 24 Pg. 124. Bedford County Courthouse.

⁴⁷ U.S. Bureau of the Census. Bedford County Census for 1850, P. 163. Betsey Blake’s dwelling: Susan Blake, 26, Mildred Blake, 11, Martha Blake, 8, Edmund Blake, 4. Rueben Blake’s dwelling: Mary Blake, 30, William Blake, 11, George W. Blake, 6, Rhena Blake, 4, Mahala Blake, 3, Thomas Blake, 1.

⁴⁸ U.S. Bureau of the Census. Bedford County Census for 1850, .Pg. 352.

The tract of land that Blake bought also had history and importance in assessing free black and white interaction in Bedford County. In 1830, four years prior to Blake's purchase, John and Catharine Frank, white citizens, lived on the tract with two "free coloured persons," one male between the ages of ten and twenty-three, and a female under the age of ten. Frank did not own slaves.⁴⁹ Although the census does not list the names of these free African Americans, they lived in the same dwelling as the Franks. John Frank bought the tract of land from William Hawkins, a wealthy white landowner, who bought the tract from Dinah Haynes, a free black woman who owned a significant amount of land throughout the county.⁵⁰ This tract of land reveals the ways that free blacks and whites frequently interacted within the community. They often lived with or next to whites, and they also bought land from and sold land to whites.

In some cases, free blacks benefitted economically through their landholding by collecting rent from landless free blacks. For example, Daniel Haynes collected rent money from many of the people living on his land in 1835.⁵¹ In addition, his extended relative Caleb Haynes gained rent from tenants.⁵² This represents an interesting relationship between free blacks. Some of the people paying rent to both Hayneses were their family members. This example highlights the importance of money instead of labor. While they could have worked on the farm five miles outside of town or in the blacksmith shop in town, the landowners also required that they pay him.

⁴⁹ U.S. Bureau of the Census. Bedford County Census for 1850. pg. 161

⁵⁰ The deed of sale between John and Catharine Frank and Betsy Blake includes a history of ownership tracing back to Dinah Haynes. Although somewhat uncommon, some deeds in the county did list the previous owners.

⁵¹ Will of Daniel Haynes. Will dated 1835. Bedford County Courthouse. Book 17, p. 300.

⁵² Bedford County, Virginia. Will and Probate Records. Bedford County Courthouse. Book 17, p. 300.

Washington County had similar proportions of free blacks as heads of households as Bedford, and it is difficult to determine the number of landowners. Black landholding looks comparable to what existed in Bedford, partly because the census records did not take into account laborers who came to the region for harvesting season. Not only did free blacks in Maryland engage in land agreements with whites, but they also established multiple dwellings for their families to live in. In April of 1850, Nathan Williams bought a tract of land named Still's Forest from a white man for 50 dollars. The land lay on the "west die of the public road leading from Boonsboro to Cavetown."⁵³ In another example, George Washington purchased three different tracts of land between 1828 and 1834 from a white man.⁵⁴

The location of a business could be vital to its success. In 1850, David Hopewell owned real estate valued at approximately \$400 near white gardeners, farm hands, laborers and carpenters, all of whom did not own land. In addition to his white neighbors, he had multiple free black neighbors. His only neighbor who owned land was David Booth, a free black, who owned real estate valued at \$100, and did not report an occupation. Although it is unclear whether Hopewell's business flourished or not, he did not live amongst the wealthiest white farmers, like the blacksmith in Bedford County. This suggests that his neighbors were not his customers, and perhaps, shows the difference between race relations in the counties. In Washington County, free blacks did not necessarily own land near the wealthy whites, rather they lived in neighborhoods defined by class.

⁵³ Williams and Witmer. Deed Book IN 6 p. 152. Washington County Courthouse Deed and Records books.

⁵⁴ Washington and Hargesheimer, Deed Book KK pg. 170-1; Washington and Hargesheimer, Deed Book KK p. 173; Washington and Hargesheimer, Deed Book PP p. 290. Washington County Courthouse Deed Records.

Many free blacks who did not have the means to own their own parcel of land lived on land owned by other free blacks in both counties. In Bedford, evidence suggests that free black women and men tended to rent their property rather than buy it.⁵⁵ In some instances, free black men and women lived with their extended relatives. Immanuel Merchant, a head of household in 1830, lived with his wife, two males under twenty-four, three females under twenty-four and one female between twenty-four and thirty-six.⁵⁶ At least one of his children, probably more, was old enough to leave his land, they remained. In similar fashion, census data can be used to determine that a majority of free blacks who did not own land lived with other free blacks. A family relationship probably existed, but there is difficulty proving it because the census does not provide enough information.

Often, free blacks lived and worked on white men's land in Bedford. Census records prior to 1850 only list names for the heads of households, therefore making it difficult to know exact names of free blacks living on a white man's land. Yet, in multiple cases, free blacks are listed in the same household as whites. In one case, Daniel McCann, a white man between the ages of twenty-six and forty-five, lived with his wife, three sons under the age of ten, three daughters under the age of sixteen, and one white female between the ages of sixteen and twenty-six. In addition, the census reports a free black man under fourteen. The census reports that four men engaged in agriculture.⁵⁷ Therefore, because of the ages of some of the young male children, one must assume the

⁵⁵ Schweninger, 20-21 and 84.

⁵⁶ U.S. Bureau of the Census. Bedford County Census for 1830. page 614.

⁵⁷ U.S. Bureau of the Census. Bedford County Census for 1820. page 99.

free black man worked beside McCann on the farm.⁵⁸ In many cases, this same logic can be used to determine that they would pay rent through their manual labor.

In Maryland, many free blacks that remained in the county year-round continued to live on their former master's plantations as free laborers. This was an especially prevalent occurrence in rural parts of Washington County on larger farms. For instance, in one rural locale, a visitor found that after Casper Weaver freed a slave family in his possession, he "put them on his farm to make a living for themselves. This Mr. Weaver was at this time the president of the Baltimore and Ohio Railroad, I think. The colored family consisted of the husband and wife, five daughters and three sons... I think that the old man was about sixty-five years of age, and his wife about sixty."⁵⁹ Free blacks working for Blackford could stay on his land while working.

While landownership symbolized an individual freedom, personal property ownership represented financial success, depending on the type of property. Most free blacks did not own such expensive property such as horses, carriages or oxen.⁶⁰ Expensive property such as farm animals and other personal effects were in some way luxury items. Like their poor white counterparts, free African Americans did not need these extra expenses to subsist. However, free blacks who could afford to buy personal property typically purchased it from white men. In one example, Elizabeth Wise, a free black woman, rented "one ten plate stove and pipe" for a year in 1832. Wise paid four dollars in rent to a white man.⁶¹ In addition, depending upon their circumstances, free

⁵⁸ U.S. Bureau of the Census. *Bedford County Census for 1820* Page 44.

⁵⁹ Rev. Thomas W. Henry, "Life of Rev. Thomas W. Henry," <http://docsouth.unc.edu/neh/henry/henry.html> (accessed 27 December 2011), 29.

⁶⁰ Ely, 327.

⁶¹ Wise and Thomas. Deed Book MM 33, p. 910. Washington County Deed Records.

African Americans, like white members of the community, could barter for goods. In one instance, a free black man bought a horse with money but also by chopping wood.⁶²

In Bedford County, free blacks typically owned inexpensive goods for the home produced by the females of the household and farming tools. Therefore, a specific revenue tax on mainly slaves, horses and carriages did not affect a large majority of the free black population. However, some free blacks did own pricey livestock, higher quality goods for the home and specific tools for skilled workers. In the years between 1830 and 1850, multiple free black men paid taxes on horses, totaling between twelve and twenty-five dollars.⁶³ Ownership of personal property not only revealed free black success, but also provided an opportunity for them to interact with whites.

Free black men and women gained personal property through many avenues, including at the time of their manumission within their former master's will.⁶⁴ The white master's willingness to help newly freed blacks make a home for themselves in the community reveals a world that differs from the view that free blacks shrank from the public eye and whites in general. In fact, in many instances they benefitted from white support. These actions seem to suggest that whites still exerted some control of free blacks in that they gave them goods and sent them on their way. While this represents a paternalistic ideal of the white man caring for his former property, it also reveals the ability of free blacks to profit off their former masters and then take steps that proactively

⁶² Rev. Thomas W. Henry, "Life of Rev. Thomas W. Henry," <http://docsouth.unc.edu/neh/henry/henry.html> (accessed 27 December 2011), 40.

⁶³ Tax and Fiscal Records Box. Bedford County Courthouse. In 1841, free blacks John Whittington, Alfred Jackson, and Samuel Richardson paid taxes on their horses. Folder 1840-9, 1 of 2. Pg. 10. In 1817, Robert Morris paid an \$18 tax on one horse. 1810-1819 Folder 1 of 2. Pg. 1.

⁶⁴ See chapter 1 for discussion of gifts given at the time of manumission.

maintained their freedom and economic stability and ensured that they could pass it down to their children.

In addition, free blacks throughout the county bought goods from white patrons. Samuel Read, a merchant in Bedford County sold a wide array of items to free blacks, including large scissors to Thomas Pullin, butter pots to Abram Pullin, and three dishes to Moses Fuqua. The Pullin family ordered and paid for multiple items in 1818 and 1819.⁶⁵ These two years are the only surviving records for Samuel Read's business, but it is likely that the family continued to buy from the store. Although other records for stores in the community do not exist, evidence points to purchases made by free blacks. In 1823, Washington Haynes bought one pair of shoes from a store in town.⁶⁶ In the town store, free blacks could engage in the community, therefore complicating the argument that they remained on the margins of society.

Free blacks often bought goods from their neighbors as well. In 1825, Washington Haynes purchased a horse from his white neighbor.⁶⁷ In 1845, William Tanner bought "one small two horse wagon of the value of forty dollars, one bay mare with a small blaze face valued at fifty dollars, one lot of carpenters tools valued at fifteen dollars, one bed valued at ten dollars."⁶⁸ Free black women also bought personal property. In April 1844, Polly Early bought two horses for one hundred dollars.⁶⁹ Although not as prevalent as

⁶⁵ "Samuel Read and Company Business Ledger 1818-1819. Library of Virginia.

⁶⁶ Thomas Haynes, will dated 1799, proved 24 February 24 1806, List of expenses charged to estate by heirs, Book 4 page 102.

⁶⁷ Thomas Haynes, will dated 1799, proved 24 February 24 1806, List of expenses charged to estate by heirs, Book 4 page 102.

⁶⁸ "Turner and Tanner Deed." Bedford County Deed Record Book 00-41. Bedford County Courthouse. p. 53.

⁶⁹ Key to Early, 26 April 1844. Bedford County Deed Record Book. Bedford County Courthouse.

deeds dealing with real property, multiple examples of free blacks buying personal property from whites abound.

In both counties, free blacks perpetuated their freedom by giving both their personal and real property to their children. This important act, often done through extralegal practices such as selling the land to one's child before death, strongly suggests that free blacks actively participated in the community when they legalized their wills. Although many free blacks lacked the funds to do so, many who could afford the lawyer and court fees would leave a will detailing how the executor should split up their estate. In 1848, Daniel Haynes divided his property to give land to all of his children, including two of his daughters who left for Ohio five years earlier.⁷⁰ In Washington County, William Brown sold a "ten plate stove and pipe, one kitchen cupboard, two tables and two axes, two beds... one dutch oven, one dish, one tight barrel" to his daughter in 1832 for the low sum of \$30.⁷¹ By conveying their goods to their children, they could perpetuate their financial gains in the community through multiple generations.

In addition to purchasing household objects and farming tools, free blacks bought slaves. Thousands of African Americans bought and sold slaves in the South in the early nineteenth century. However, scholars debate the nature of black slave ownership due to lack of evidence. It is unclear whether free blacks bought spouses or other family members to keep their families together or whether they bought them for economic purposes. In response to Virginia's 1806 removal law, free blacks would not manumit

⁷⁰ Daniel Preston. Will dated 12 June 1827. Bedford County Will and Probate Records. Book 10, page 47.

⁷¹ Brown to Brown. Deed Book MM 33. Washington County Deed Records.

their enslaved relatives in fear of the state forcing them to move away.⁷² Many of the free black slave owners in Bedford seem to fall under this category. Many owned fewer than three slaves.

Although it was difficult to discern the motive of the black master and his or her treatment of the slave, in one interesting document, John Claytor, the Deputy Sheriff in 1814, listed spousal relationships for free blacks that owed taxes for their slaves. Lewis Godfrey, George Holmes, Ned Haynes, Charles Haynes, Charles John, William Jackson, Joshua Jones, Frank Peasants, Beverly Randolph, Drewry Steward, Godfrey Lambo, Caleb Tanner, and Barnett Tyney all owned their individual “negro wife.”⁷³ This marriage is not a legal agreement because slaves could not marry, but his notation proves that marriage could also be proved through social acceptance of the agreement. No deed exists to prove when and how these free black men purchased their wives. Yet, white masters willingly sold free blacks their enslaved wives. If white masters lived in fear of free blacks and slaves collaborating in rebellions, then selling their property to a free black would seem counterintuitive. This local experience of purchasing a spouse represents not only an instance of free black and white interaction but also implies the importance the social acceptance of marriages without a legal contract.

In the same document, Claytor lists that Richard Moss owned a “negro woman” valued at three hundred dollars at the time.⁷⁴ Perhaps, because he did not label her a “wife,” Moss simply bought a child that he had with a slave woman on a neighboring

⁷² Rothman, Joshua, *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861* (Chapel Hill: The University of North Carolina Press, 2003), 266.

⁷³ “List of Insolvent Property for the year 1814 returned by John Claytor Jn. Deputy Sheriff for John Claytor Sheriff of Bedford County.” Tax and Fiscal Records Box.

⁷⁴ “List of Insolvent Property for the year 1814 returned by John Claytor Jn Deputy Sheriff for John Claytor Sheriff of Bedford County.”

farm or plantation. Perhaps he could have bought this woman as a domestic servant. He owned around fifty acres at the time.⁷⁵ While their relationship remains unclear, this clearly shows that a white master would sell a slave woman to a free black man without a spousal relationship.

Allen Eunice, Peter Moss, and Joseph Wright all owned a “negro,” most likely a man as Claytor made certain to list women. Their slaves could also be family members bought to save them from being sold away from the area. However, the ownership of a slave man, despite the type of relationship, meant labor for their farms. Eunice and Moss, small landholders, probably required this extra man to produce a subsistence crop. Wright, with considerably larger acreage, probably used the extra laborer to help produce his tobacco crop.

While a male owning an enslaved “wife” would seem to fit with the ideas of paternalistic marriages of the time, a free black woman owning her enslaved husband did not.⁷⁶ Yet, free black women in Bedford County owned enslaved males, probably their spouses. Isabel and Rachel Haynes each owned “one negro.”⁷⁷ Rachel Haynes continued to own her slave until her death when an inventory of her possessions revealed that she owned one male slave, valued at 300 dollars.⁷⁸ There is no suggestion of any type of relation between the two. Perhaps she purchased a spouse like many free blacks did. Free blacks would purchase their partners in order to keep them safe from the threat of sale by

⁷⁵ U.S. Bureau of the Census. Bedford County Census for 1820.

⁷⁶ Lebsack, 179. While decisions to marry were changing from an arranged, purely economic decision to include feelings of affection, the patriarchal hierarchy within the house still ruled in the early nineteenth century. Women lost their rights to property and children when they married.

⁷⁷ List of Insolvent Property for the year 1814 returned by John Claytor Jn, Deputy Sheriff for John Claytor Sheriff of Bedford County.”

⁷⁸ Bedford County, Virginia, Record of Will Books.

their white masters.⁷⁹ If they did not share a relationship other than slave and master, this situation can stand as evidence of a shared Virginia culture. Rachel shared in her white neighbor's knowledge and acceptance of the fact that slave labor, on a tobacco plantation, proved important in turning a profit.⁸⁰ Regardless of the reasons for owning a slave, the existence of her ownership of this slave reveals her economic success. She possessed the means to buy a slave, a great expense for anyone much less a free black woman living in the rural South.

In Washington County, black slave ownership became more of a vehicle for freedom of the slave than an economic decision for the black owner. In 1847, Nathan Williams bought his wife, Ann Syms, from slavery for 60 dollars.⁸¹ The evidence suggests that free blacks in Washington County mainly held fewer than three slaves, and most were family. Relatively few free blacks in the county had the means to buy a slave outright; some actually bought their slave relatives for a token sum.⁸² However, many worked tirelessly during the harvest season to earn extra money to buy their relatives.

In each locale, individual free blacks could build a credible reputation through their ability to engage in the local economy, and white assessment of their actions. However, in Washington County, the slave-to-free labor society created a feeling of unease within the white community over racial supremacy but also the threat of free blacks as competition. While certain free blacks gained land and found employment in a variety of occupations, the large migratory work force thrust race divisions into the public

⁷⁹ Ely, 89.

⁸⁰ Ely, 89-90.

⁸¹ Williams to Faulkwell. Book IN 2 p. 850. Washington County Deed Records. Washington County Courthouse.

⁸² See chapter 1 for discussion of term slavery in Washington County.

discourse, threatening some of the limited liberties allowed to them. In Bedford, the relative stability of the slave economy and the small free black population made for a tight-knit community, where free blacks could quickly garner a reputation, for better or for worse.

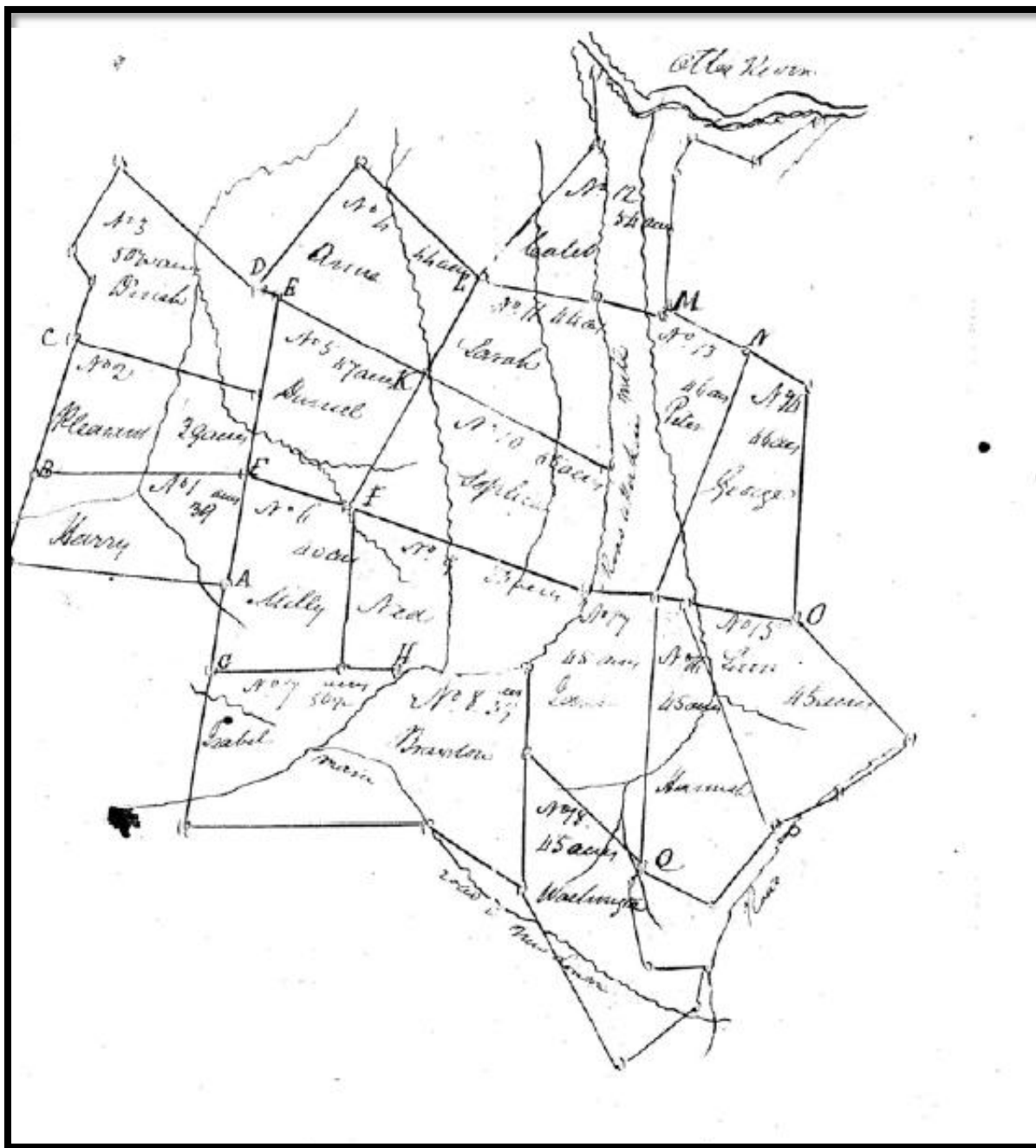


Figure 3: Map of Haynes land as divided by the will of Thomas Haynes. Taken from Bedford County's Records of Wills, Book D4 p. 179-END, 331.

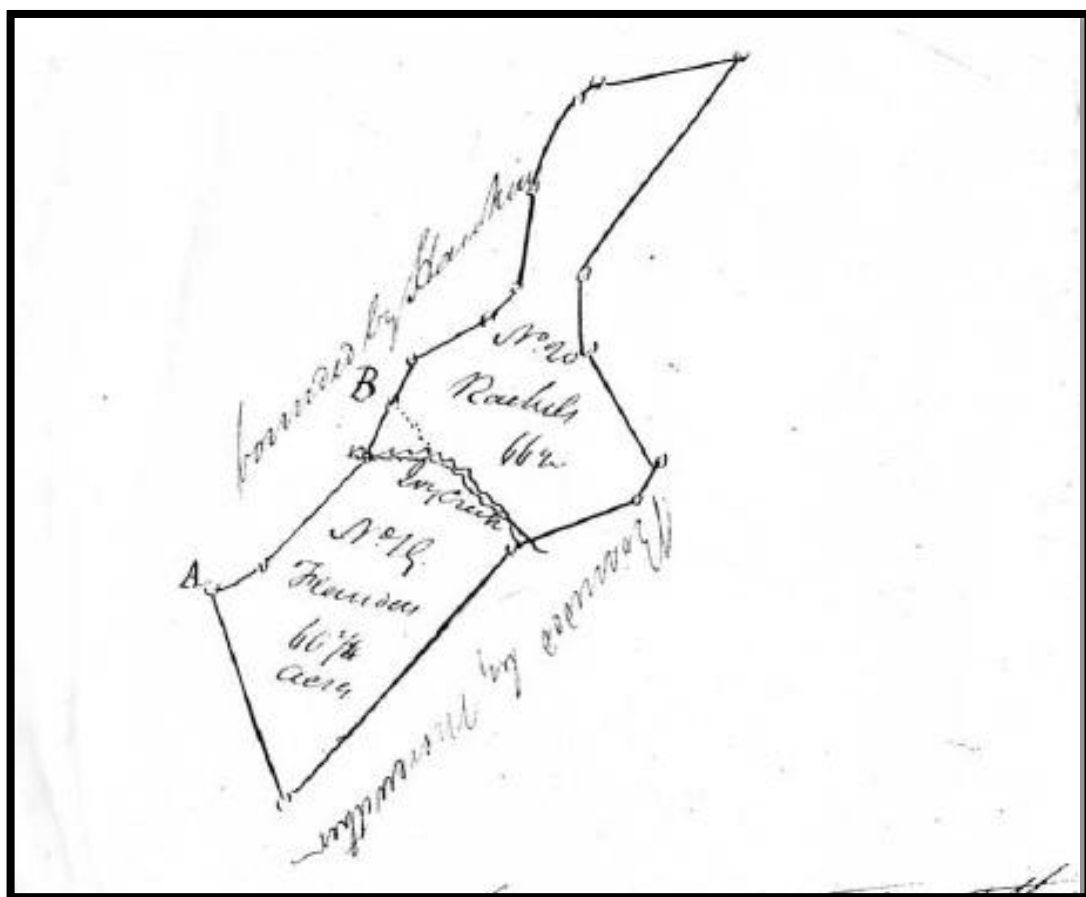


Figure 4: Map of Haynes land as divided by the will of Thomas Haynes continued.

Chapter 3

“Crowded with white and black, large and small”: The County Courthouse and Race Relations

Although state laws attempted to keep free African Americans in a second-rate status, they did not willingly accept this status, as shown through their engagements in social and legal aspects of the community. They regularly asserted their rights as citizens in church, at social gatherings, and in the courtroom. As the system was established, whites could have crushed these actions before free blacks even had a chance to participate. However, whites and free blacks did business together, harvested the same fields, shared religious beliefs, and even shared familial connections. Therefore, race relations within the local community were often complex and difficult to discern. Daily life within the local community looked different than the picture painted by the laws; in fact, powerful whites, even slaveholders, dealt with free blacks on a daily basis.

Whites often ignored the state laws restricting free blacks because they had more practical matters to attend to, and enforcing the multitude of such laws would have been immensely difficult and expensive, and could actually affect their own lives as many of the whites had at least some tie to the free African American population. These often unenforced laws were important because they represented the ability of whites to act in case of serious threat from unknown free blacks, as one can see in Washington County, Maryland, more so than Bedford County, Virginia. Whites could utilize the laws in moments of threat to the institution of slavery, particularly by charging free blacks with inciting slave rebellion, or arresting them as runaways, or as accomplices aiding slaves to run away. Despite the restrictions in the law, free blacks could still effectively utilize the

court systems as a way to protect themselves and their property, particularly if they had maintained an “honest,” “sober,” and “industrious” reputation among whites.

An examination of major legal battles in the community highlights the importance of the strength of the institution of slavery to peaceable race relations within the local context. For free blacks in each county, the county court was, at once, both a tool to secure their free status, and property rights, and a potential hindrance when whites wanted to mete out punishment for threats to the racial order. This chapter traces the important legal circumstances that distinguished Washington County, a community where the institution of slavery found many threats, and from Bedford, a place where slavery remained relatively strong. Then, the chapter turns to the ways that free blacks themselves experienced the local legal community.

As with the laws concerning manumission, the state laws regulating other aspects of free black life in the community often found little enforcement. Rather, these laws became tools for whites to use in case of a threat to their dominance within the community. Thus, in Washington County, where slavery came under attack almost daily, free blacks faced a more stringent adherence to repressive laws. In Bedford County, the free black experience depended upon an individual’s ability to garner a positive reputation with a greater portion of the population. These differing circumstances set the stage for free black experience in the local court systems. Through an examination of free black individual use of the court systems, the importance of the strength of the institution of slavery is clear. In both counties, the law existed as a way to protect social order, and Washington County utilized it in this manner more frequently than Bedford. Through the experience of free blacks utilizing the courts to protect their free status, their property and

their apprenticeship agreements, it is clear that Washington County became a place where formal execution of the law necessitated that free blacks have backing from a respected white man. In contrast, in Bedford County, the reputation of individual free blacks throughout a larger portion of the white community provided a solid foundation for local success.

One of the most important threats to slavery in Washington County came as the church for free African Americans opened its doors. In August 1818, an itinerant minister, Jacob Gruber, preached a sermon to a large, black and white audience at a camp meeting held by the Methodist Episcopal Church. In it, Gruber condemned slavery as a national moral sin that not only violated the Bible, but also the Declaration of Independence. In his passionate sermon against slavery, he asked the large, biracial crowd (over one hundred people, with slaves, free blacks, and whites), ““Is it not a reproach to man to hold articles of liberty and independence in one hand and a bloody whip in the other, while a negro stands and trembles before him, with his back cut and bleeding?” Although this certainly angered the slaveholders in attendance, he continued to assert that though slaveholders justified slavery by extolling the kindness of the institution, they did not know if their children would follow in their footsteps: “May they not tyrannize over them after you are dead and gone, and may they not (the slaves thus abused,) rise up and kill your children, their oppressors, and be hung for it, and all go to destruction together?” This direct question of their own defense of the institution as humane and civilizing, enraged the crowd, and the prominent slaveholders in attendance

went to the Court house to obtain a warrant for his arrest that charged that he “ did feloniously consult, conspire... and to raise an insurrection and rebellion in the state.”¹

Gruber hired Roger Taney, then a young lawyer from neighboring Frederick County, who immediately sought a change of venue away from Hagerstown because of the “anger of the local planters.” Taney worked to move the trial to Frederick County where he had more connections.² In his defense of Gruber, Taney argued that “it is well known” that Gruber, a minister in the Methodist Church, advocated abolition. Therefore, Taney argued, whites who disagreed or who did not want their slaves hearing his views, could have chosen not to attend. Taney further asserted, “Mr. Gruber did not go to the slaves: they came to him. They could not have come, if their masters had chosen to prevent them.”³ The not guilty verdict made this case even more dangerous to slavery in Washington County. As one historian has argued, “Gruber’s strictures, coming from an outsider whose very attire symbolized his opposition to the society’s customs, an intruder from the free state of Pennsylvania, a forthright enemy to slavery, hit a raw nerve” throughout the community.⁴

Gruber was not the only one to threaten white power at a camp meeting in Washington County. John Blackford recounted multiple camp meetings that had drawn a large audience of rowdy crowds, both black and white. In 1835, twenty or more blacks had “collected” on his side of the river and the crowd became “quite noisy and annoying.” Two years later, he reported that “a number of Negroes came over...

¹ Timothy S. Huebner, “Roger B. Taney and the Slavery Issue” *The Journal of American History*, June 2010, 6-7. John B. Boles, “Tension in a Slave Society: The Trial of the Reverend Jacob Gruber,” *Southern Studies*, 18 (Summer 1979). Brand W. Eaton, “Jacob Gruber’s 1818 Camp Meeting Sermon,” *Methodist History*, 37 (July 1999).

² Huebner, 7

³ Huebner, 8-9.

⁴ Boles, 189.

apparently drunk and making much noise and quarreling, etc.”⁵ Stuck between the heart of southern slave holding and the abolitionists of Pennsylvania, slaveholders in Washington County were on edge by Gruber’s trial, and throughout the rest of the antebellum years, the whites within the community employed restrictive state laws to keep the social order intact.

In addition to itinerant ministers, the high rate of migratory labor that brought seasonal workers, both black and white, through the community, threatened farmers who depended on slave labor for cultivation. Washington County passed and enforced strict ordinances regulating drinking, gambling, and gathering late at night amongst poor whites, free blacks, and slaves. Not only did they pass the ordinances, they enforced them. In 1827, Hagerstown constables went to “disperse and prevent idle and disorderly persons, rude and noisy boys and persons of colour from frequenting the market-house.”⁶ In at least one instance, the constable arrested a group of young free black men who “were raffling, with cards and dice, for turkies, goose, chickens, and whiskey.”⁷ These localized ordinances provide a key example for how laws worked on the ground. Laws, created in response to pressing problems within the locale, worked as a safety net for slaveholders. They could enforce these laws against actions that threatened the order of the slave society.

In Virginia, in response to the Nat Turner rebellion, the state legislature met to discuss the future of slavery in the state. Robert Campbell, Callohill Mennis, and Edmund Pate served as Bedford County delegates for the session of 1831-2. Each voted for the

⁵ John Blackford Journals, 15 November 1836. Second quote taken from Grivno, 123.

⁶ *Torchlight and Public Advertiser* [Hagerstown, Md.], 24 May 1827

⁷ “A Negro Raffling Match” *Herald of Freedom* [Hagerstown, Md.] 14 November 1849.

preservation of slavery during the debates.⁸ Though the Southampton rebellion caused much tumult throughout the state, the consequent trials and the debates over slavery helped secure the institution in Bedford and throughout the state. In Bedford County, the courts' jurisdiction focused mainly on state laws, not passing ordinances to control free blacks locally. One part of the 1831 Virginia state law gave all enforcement to local court houses:

courts declared to have jurisdiction of all offenses against the law respecting slaves.... Riots, unlawful assemblies and seditious speeches by slaves- 39 lashes... fight between free negro and slave, free negro being aggressor 39 lashes. Meeting of slaves and free negroes in the night or at schools by day or night prohibited 20 lashes. Penalty on a white person free negro mulatto or Indian for having company with slaves at an unlawful meeting \$3 or on default of payment 20 lashes. A slave, free negro or mulatto preparing, exhibiting or administering medicine, capital Felony.⁹

Despite their harsh tenor, the laws that Virginia passed in regard to free black social life did not find much enforcement on the ground. However, they are clear indicators of what whites would find as dangerous behavior for free blacks. Interaction with slaves, specifically violent fights, posed a threat to social order in the community.

New laws restricting free black social life came on the heels of Maryland's and Virginia's Removal Laws that required blacks freed after a certain year to leave the state. In both states, free blacks petitioned the court to remain. Through an examination of the petitions of freed people that wanted to remain, one can see that in both states, free blacks proactively utilized the court systems and white witnesses to their "good character" but a

⁸ Whitfield, Theodore M., *Slavery Agitation in Virginia, 1829-1832* (Baltimore: The Johns Hopkins Press, 1930), 146.

⁹ "Court declared..." Free Negro and Slave Records. Undated Folder. Pg. 3.

crucial, although small, difference existed in the number of whites that signed the petitions.

The court, although controlled by white authority, became a tool for African Africans to prove, or protect their status in both counties. In both counties, multiple free blacks petitioned to stay in the community. These legal documents posed both risks and rewards for the free black. As a legally binding document, the ruling could help protect them against the actual enforcement of the Removal Law. However, many free blacks lived in the community without an exception from the law. Therefore, by choosing to petition, free blacks risked the court's decision to rule against them, whereas, if they did not, they might have lived in the community amongst others in the community who did not have legal permission to stay. Yet, if whites decided to enforce the law, free blacks could be expelled without delay.

Good character became a basis for arguments concerning freedom in both counties, with white witnesses focusing on the characteristics of "sobriety," "industry," and "honesty." When Tinah Hatcher petitioned the court to remain in Bedford County in 1825, she had many supporters. In her will, Hatcher's elderly mistress bequeathed to her freedom, a tract of land, and her entire personal estate. White men from Bedford constructed a long defense for Hatcher's case because they wanted her to remain in the community despite the Removal law of 1806.

In their defense of Hatcher, the men argued that she deserved to stay because she "was a faithful, diligent, and obedient servant to her mistress" and because she had "maintained a good character for honesty, sobriety, and industry." In addition, they argued that Hatcher, "though low and humble in society has nobly narrated it by her good

conduct.”¹⁰ Robert Easley also petitioned the court to remain in the commonwealth in 1837. In support of Easley’s effort, his former master from Pittsylvania County, Virginia, sent a note of support that explained, “Easley has lived in my family nearly 3 years during which time he has always behaved well he is a good, honest, discreet old man, and I have never heard a word prejudicial to his character.”¹¹ The petition, utilizing language similar to Hatcher’s, highlights the importance of a “good” and “honest” reputation. In almost identical language, William Cusha provides testimony that Amy Thompson should remain in Washington County, Maryland because he knows her as “a woman of industrious habits and exceptionable good character and in his opinion deserving of a permit as prayed.”¹² On February 14, 1843, one of the most esteemed members of the Washington County community, General Otho H. Williams, testified that his former slave, Charles Smith, exhibited “extraordinary good conduct and... unexceptional good character.”¹³ Clearly, white witnesses carefully chose their language and invoked the stipulations in the law when defending a free black to the court.

One part of Hatcher’s petition stands out from Easley and Thompson’s: the focus on her dedication as a servant to her elderly mistress. The witnesses explain, “she served her late masters... faithfully zealously and obediently and does in our opinion deserve great credit for her good behavior and obedient conduct towards her said mistress.”¹⁴ She showed dedication to her mistress by not running away, even when her mistress was

¹⁰ “Free Negro and Slave Records” Folder 1820-1830. Petition of Eunice Hatcher, 1825.

¹¹ “Free Negro and Slave Records” Folder 1830-1839. Loose Paper 3. Bedford County Circuit Courthouse. Witness Statement of William A. Arthur, 31 January 1838.

¹² Petition of Amy Thompson. Orphans Court of Washington County. Maryland State Archives. 2.

¹³ “Charles Smith” 14 February 1843. Washington County Register of Wills Certificates of Freedom. Maryland State Archives. Pg. 11.

¹⁴ “Free Negro and Slave Records” Folder 1820-1830. Petition of Eunice Hatcher, 1825, and “Free Certificate of Eunice Hatcher” 22 June 1825.

bedridden. They add, “her mistress in her lifetime was a lone woman having no other person whatsoever to take any control over... Negro Tinah” therefore, they commend Hatcher because “most negroes in her situation (when she might have done pretty much as she pleased) would have acted differently from what she done.” Taking care of an elderly white woman even though, as the white men argue, it could have been considered “voluntary,” reinforced the ways in which she had been an asset to the slaveholding class.¹⁵ For the white men, and the court, the actions she took as a slave became extremely important in their decision to allow her to stay.

In these examples, Tinah Hatcher, Robert Easley, and Amy Thompson willingly petitioned the court in order to protect their interests to remain in the community. Their actions reveal the way that some free blacks proactively utilized a court controlled by slaveholders to protect their own rights. These white men used similar language when defending the free blacks and providing a case for an exception from the law because of their good character. However, an important difference exists in the number of white men to provide testimony for the petition.

The petitions of Bedford County suggest the existence of a tight-knit community of slaveholders that serve as testimony for a free black petitioner, whereas in Washington County, one white man supported the petition. In Hatcher’s case, ninety-nine men signed the document, and further suggested the collective wish of the community that she remain in “the land of her nativity among her friends and relatives.”¹⁶ In addition, they argued that if the Court granted her petition to stay, it would “gratify the wishes of a great

¹⁵ “Free Negro and Slave Records” Folder 1820-1830. Petition of Eunice Hatcher, 1825, and “Free Certificate of Eunice Hatcher” 22 June 1825.

¹⁶ “Free Negro and Slave Records” Folder 1820-1830. Petition of Eunice Hatcher, 1825, and “Free Certificate of Eunice Hatcher” 22 June 1825.

majority of the persons who are acquainted with the said negro Tinah” and the “community of slaveholders in general.”¹⁷ In Easley’s petition, signed by seventy-six white men from Pittsylvania, the witnesses chose words carefully, appealing to the importance of Easley’s good reputation within the community. No white man complained of Easley’s character or conduct. His choice of words signifies the importance of a free black’s reputation within the community as one sign of a good character and trustworthiness in Virginia. In contrast, Thompson’s petition includes only one man’s name in support of her remaining in the state of Maryland. When compared, the petitions from both counties reveal several important factors of free black life, particularly the more individualistic white benefactors needed in Maryland and the more community-oriented experience in Virginia.

The documents highlight the importance of reputation amongst a large portion of the white community, not just one white benefactor. White men defended them in similar ways, emphasizing the good character of each person over a length of time—for Hatcher, her white supporters knew her for many years, and Easley’s white witnesses specifically claimed to have lived amongst him for three years. On the other hand, Thompson’s petition is vague about how long her witness knew her.

Although both counties seldom enforced the Removal Law, it seemed that whites in Washington County were the only ones to notice the contradiction between law and everyday experience. The Hagerstown newspaper, *Herald of Freedom*, published an editorial on the lack of enforcement of the removal law. It reminded the readers of the law, and quoted it directly:

¹⁷ “Free Negro and Slave Records” Folder 1820-1830. Petition of Eunice Hatcher, 1825, and “Free Certificate of Eunice Hatcher” 22 June 1825.

It is provided that no slaves that shall afterwards be emancipated either by deed or will, shall be permitted to remain in this State unless by permission of the Orphans' Court; and that the Orphan's Court can only grant such permission upon the recommendation of three respectable white persons, and upon being satisfied that the negro is of an extraordinary good character, and that said permission must be renewed every year.¹⁸

Yet, the article lamented, "to the face of this law, a large number of manumitted slaves have been turned out upon our county, and are permitted to remain without the permission of the Court, or without authority of any kind; and almost every day a fresh number is added to the list." The article blames the "civil authorities, the Orphans' Court, the Sheriff and Constables" as being "remiss" in their duties. The article also guarded against complaints from free blacks, asserting that:

The negroes have no ground either to complain of the enforcement of this law. They accept their freedom as any one accepts a privilege or right, subject to legal restrictions and requirements. If freedom is sweet why of course it should be worth the sacrifices of a removal out of the State to enjoy it. If on the other hand their home is sweeter they can enjoy it, at the sacrifice of their freedom, by becoming again their former master's slave.¹⁹

In conclusion, the article emphasized: "the law ought to be enforced; and it ought to be a very extraordinary case which should justify the Orphan's Court in granting the permission to free negroes to remain."²⁰

For the journalist, however, it did not seem a problem of moral justice—that since it was a law of the State that it should have been enforced. Rather, it was the increasing number of manumissions. The journalist maintained that, "our town has actually been

¹⁸ "Free Negroes" *Herald of Freedom* [Hagerstown, Md.] 19 March 1851.

¹⁹ "Free Negroes" *Herald of Freedom* [Hagerstown, Md.] 19 March 1851.

²⁰ "Free Negroes" *Herald of Freedom* [Hagerstown, Md.] 19 March 1851.

over-run with free negroes, a fact which accounts in some measure for the decrease in our white population and our prosperity generally.”²¹ The newspaper highlighted two critical differences between the communities: free black population size and rate of manumission. The slaveholders of Washington County, and even men who supported abolition and colonization efforts, became paranoid about the free black population size, whereas, in Bedford County, the scant free black population did not question white power structures. Therefore, Washington County became a place more prone to executing the Removal Law, even though it still did not affect a large portion of free blacks living in the community.

Predictably, because of its proximity to a free state, Washington County officials regularly apprehended runaway slaves from outside of the community. Many of those apprehended in Washington County confirmed the fears of slaveholders by admitting that they were runaways. For instance, David Lewis told the Sheriff that he belonged to a master living in Berkley County, Virginia.²² John and Henry Parker admitted that they changed their names and ran from their master in Culpeper County, Virginia.²³ In 1847, another jailed runaway claimed he belonged to a man living “between Harpers Ferry and Charlestown.”²⁴ Not all runaways came from outside of the state, however. In 1847, John Collins was jailed as a runaway, though he claimed he was “from near Rockville, Montgomery County, Md. and is free.”²⁵ A slave from Frederick County found himself incarcerated when visiting his wife who lived on a plantation in Washington County.²⁶ In

²¹ “Free Negroes” *Herald of Freedom* [Hagerstown, Md.] 19 March 1851.

²² “Runaways” *The Torch Light and Public Advertiser* [Hagerstown, Md.] 24 January 1826.

²³ “Runaways” *The Torch Light and Public Advertiser* [Hagerstown, Md.] 8 January 1828.

²⁴ “Runaway” *Herald of Freedom* [Hagerstown, Md.] 8 September 1847.

²⁵ “RUNAWAY” *Herald of Freedom* [Hagerstown, Md.] 25 August 1847.

²⁶ “RUNAWAY” *Herald of Freedom* [Hagerstown, Md.] 16 February 1847.

Bedford County, the Sherriff also jailed runaways, however not nearly as many appeared as in Washington County. In 1848, the sheriff apprehended a runaway named Kitty.²⁷ In addition, Andrew Jones was arrested as a runaway when he moved to the county.²⁸

Although the sheriff arrested very few runaways, Bedford slaveholders held some qualms about their slaves escaping to a free state. Many like E. Peters worried that his slave Achilles had “obtained free papers... and is endeavoring to get to a free state.”²⁹

However, fearful Bedford slaveholders became of slaves running to free states, they did not come close to Washington County’s face-to-face experiences with escaped slaves.

Despite the larger number of jailed runaways, the counties can be compared through the actions taken by free blacks wrongfully apprehended. In instances of jailings in Bedford, free blacks utilized witness statements from people who knew them, typically from other counties, in order to gain their freedom without a trial. In Washington County, by contrast, free blacks often had to petition in order to get a trial before they could gain their freedom.

Andrew Jones faced the Justice of Bedford when he found himself confined as a runaway in Bedford after moving there in 1839. Once arrested, Jones told the sheriff that his free papers burned in a fire in a blacksmith shop in Danville. The sheriff of Bedford County performed due diligence in sending inquiry letters to check on his story. In response to the inquiry letters, John S. McDaniel, a blacksmith in Danville, Virginia, corroborated Jones’s story. McDaniel employed Jones for a year and claimed Jones lost

²⁷ “NOTICE” *Bedford Sentinel* [Liberty, Va.] 26 June 1848.

²⁸ “Free Negro and Slave Records” Folder 1830-1839. Loose Papers 4 and 5. Bedford County Circuit Courthouse. Witness Statement of John S. McDaniel, 07 October 1839.

²⁹ “\$100 Reward” *Lynchburg Virginian* [Lynchburg, Va.] 17 July 1827.

his freedom papers during that time.³⁰ McDaniel also included a note from another white man who Jones worked for in Danville for two years who commented that Jones “supports a good character as any man in the county.”³¹ In another witness statement, Thomas Cardwell of Charlotte City, Virginia, claimed that Jones arrived in Prince Edward County around 1834 and worked at a blacksmith shop. After the death of his boss, Jones moved to Bedford County. Cardwell stated that the sheriff would “be safe in letting him in at Liberty” because of his skills as a “very good smith” and his reputation as a “very responsible man.”³² Evidence does not exist for the eventual outcome of the Jones case, but in all likelihood, the sheriff dropped the charges, as he never filed a formal case.³³ Perhaps the accounts from three white men swayed his opinion and persuaded him to release Jones from custody.

In contrast, when Joseph Smallwood was jailed in Washington County, he had to petition for a writ of habeas corpus in order to gain a trial because of an 1839 Maryland law prohibiting free blacks from coming into the state. In his petition to the Orphan’s Court, Smallwood claimed that he did not break any of Maryland’s laws because he was only “peaceably & quietly, without delay” making his way through Maryland to settle in Pennsylvania after his manumission in Washington D.C.³⁴ The Orphans Court granted his wish for a trial, and eventually found him not guilty.³⁵ In another instance, the

³⁰ “Free Negro and Slave Records” Folder 1830-1839. Loose Papers 4 and 5. Bedford County Circuit Courthouse. Witness Statement of John S. McDaniel, 07 October 1839.

³¹ “Free Negro and Slave Records” Folder 1830-1839. Loose Paper 3. Bedford County Circuit Courthouse. Witness statement of H.C. Carham, 11 October 1834.

³² “Free Negro and Slave Records” Folder 1830-1839. Loose Papers 6. Bedford County Circuit Courthouse. Witness statement of Thomas Cardwell

³³ There is no evidence that Andrew Jones ever appeared before the Bedford County Court.

³⁴ Petition of Joseph Smallwood. 30 September 1851. Washington County Orphans Court. Maryland State Archives. 2.

³⁵ Petition of Joseph Smallwood. Washington County Orphans Court. 30 September 1851. Maryland State Archives. 5.

Washington County Sheriff arrested Virginia Jenkins “upon the charge of leaving this state and returning thereto contrary to the law” in 1846. She sent a petition to the Orphans Court of Washington County that denied the charges and asked for the Judges to “discharge her from custody.”³⁶ Although the Judges did not record a decision on this petition, Jenkins viewed the Orphan’s Court as her best chance to prove her freedom.

Thus, although they had similar laws that required free blacks to have freedom papers with them at all times and forbidding them to move freely between counties, or in Maryland’s case, the state, the county officials ultimately decided when and where the laws would be enforced. Smallwood faced a more formal execution of state law in Washington County than Jones did in Bedford County. For Smallwood, his innocence could only be proven by the ability to gain an order to have a trial, and probably, proving the manumission through legal documentation. However, Jones relied on the reputation that he garnered in the previous communities that he lived in.

Only in rare instances did the Washington County sheriff execute the punishment for coming into the state—public auction. Maryland had enacted a law that prohibited free blacks from entering the state and whites from employing or harboring any free black after 1832. In one such case, the sheriff held an auction in front of the courthouse to sell John and Catharine McDaniel for “fine and costs.”³⁷ Similarly, the court auctioned off a runaway man named Jack.³⁸ On June 1, 1848, George Bayley gained his freedom after Lewis Martin bought him from public auctions, a punishment for coming into the

³⁶ Petition of Virginia Jenkins. Washington County Orphans Court. 22 September 1846. Maryland State Archives 1.

³⁷ “Sheriff’s Sale” *Herald of Freedom*. [Hagerstown, Md.] 18 December 1846

³⁸ *National Intelligencer and Washington Advertiser Press*. 19 May 1810.

state under the terms of the same 1839 law.³⁹ Although the rate of enforcement was probably low considering the amount of movement in and out of Washington County, it was extremely high when compared to Bedford. There, evidence suggests that local executives never enforced the law on the ground.

One of the more important and exceptional cases of selling an African American as punishment highlights important differences between Washington and Bedford. In September 1845, William Gross was apprehended and charged with murder after a fight that occurred during a camp meeting. The court found Gross guilty and sentenced him to thirty-nine lashes and sale out of the state. A slave trader persuaded the courts that whipping Gross would lower his price, and ordered William Frenner to sell him to the Deep South, and further ordered Frenner to keep quiet about Gross's status as a convict as it was illegal in many slave states to deal convicted slaves from other states. Instead of going to Richmond as instructed by the court, Frenner "went directly to Baltimore, where he arrived on the 15th day of Dec. 1845, and immediately had the said negro boy, Bill Gross, confined, to enable him to look around for a purchaser." He approached Hope H. Slatter, a known "extensive dealer in negroes," to buy Gross. However, Slatter was apprehensive because Frenner "had always heretofore, been employed by a rival house." Despite the rarity of such experiences, the trial and punishment of Gross highlights the ways that the local legal system worked in antebellum Washington County. Gross's experiences reveal the extensive slave trade network from Washington County to the Lower South. Frenner, a county official, worked often with slave traders.⁴⁰ In addition, it reveals the ways that local powers, such as justices and sheriffs, could move in and out of

³⁹ Certificate of George Bayley. Freedom Certificates of Washington County. Book B pg. 85. 01 June 1848.

⁴⁰ "Washington County Court," *Herald of Freedom* [Hagerstown, Md.] 22 December 1847

the law in order to suit their own interests in response to heightened fears within the community of slave rebellion and insurrection.

Upon his inspection of Gross, Slatter “asked if ‘all was right,’ parlance familiar to the trade,’ (for he still had suspicion)” and Frenner answered that “all was right” without further identifying Gross as a convicted murderer. Slatter paid 600 dollars for Gross, and later took him to New Orleans for sale. When he reached the port, Slatter heard rumors of Gross’s conviction and immediately sent one of his workers in Baltimore to Hagerstown to investigate. When the ship landed in New Orleans, the officials there had already heard of the rumors, and quickly apprehended Gross and sold him for the benefit of the state.⁴¹ Gross’s experiences caused a scandal in Washington County. As one historian has noted, the “interstate traffic both upheld and undermined slave owners’ authority” because while it “might intimidate an individual slave,” the “destructive energies unleashed by the domestic trade strained the bonds connecting masters and slaves and clouded slavery’s future” in Washington County.⁴² This traffic not only impacted the enslaved African Americans, but it also affected those who had already gained freedom, too. The rate of sales by men such as Frenner, who, based on multiple accounts, may have been involved in capturing free blacks from Pennsylvania, if not Maryland, meant that free blacks lived in a world where they could not trust whites to protect them.

Washington County clearly enforced the state laws in a more aggressive way because of the increased threat to the social structure of slavery while Bedford County rarely enforced the laws restricting black freedom. Specifically, as seen through the evidence of freedom petitions, Washington County restricted the movement into and out

⁴¹ “Washington County Court,” *Herald of Freedom* [Hagerstown, Md.] 22 December 1847

⁴² Grivno, 137.

of the county. However, in both Bedford and Washington counties, free blacks could utilize the court system in order to protect their interests. In both counties, free blacks hired lawyers for legal representation, legalized apprenticeships, and protected their property rights.

In addition to petitioning for their freedom and for leave to remain in the state despite the law, free blacks also hired lawyers, like many of their white neighbors. Hiring a lawyer not only represented the financial success that free blacks in both communities attained but also helped protect their own interests in court. Free blacks not only knew the local legal system but also attempted to utilize it in the same ways as others in the community by hiring a lawyer. After obtaining their freedom from their deceased master in Bedford County, the free black Haynes family took one additional step to ensure their freedom by hiring a lawyer. Directly after their manumission by their master's will, they paid their former master's lawyer to represent them. Overall, the Haynes family had paid 963 pounds of tobacco by 1813 for legal representation.⁴³ After Logwood's death in the same year, the family hired another lawyer, Parker Campbell.⁴⁴ This action is important to understanding free black life in Bedford County because a white man willingly represented a free black family in court. Of course, he received payment for his duties, but he willingly and actively defended their interests. He had to interact with free blacks multiple times within a year, perhaps even having close contact with the children because of his position as a legal guardian as well as a lawyer, but he did not find this

⁴³ Bedford County, Virginia, Will and Probate Records, Book 4, page 102-7. These pages describe the expenses charged to Thomas Haynes's account. This shows how much each family member under the age of 21 spent between the years 1812 and 1813. In the end, it reports a total that was paid to Logwood by all of the Haynes descendants.

⁴⁴ Bedford County, Virginia, Land Records and Deeds. Bedford County Courthouse. Book M-13, 804.

unacceptable or repulsive. Logwood, one of the most esteemed members of the Bedford County community, served as the Justice of the Peace.⁴⁵ He also worked for a free black family manumitted by their master. The family knew that they needed representation if they wanted to maintain their landownership status--a key to their survival.

However, hiring a lawyer could not always protect them from all threats, particularly if a lawyer charged them too high of a fee for their services. In 1826, James Wright brought a bill of complaint against his lawyer, George Hancock, because Hancock had submitted a charge against him that accused him of not paying his commission. Wright argued that the price that Hancock claimed he owed was more than they had decided upon when he hired Hancock. Wright further asserted he “positively denies” that Hancock “relinquished his practice in this court” before the case “ever came on to be heard” in court and therefore, “of course he [Hancock] is not entitled to the said fee.”⁴⁶ Wright asked the court to look to its own records to see that Hancock did not litigate his case.⁴⁷ Hancock dismissed Wright’s charges as “untruths and uncertainties” and asserted that he “performed services as an attorney” for Wright and deserved to be paid for those services.⁴⁸ Wright’s case against his own lawyer suggests that, in some instances, free blacks did not wholly depend on their lawyers as white guardians. Clearly, some free blacks fully participated in the local legal culture, just as others did in the community.

⁴⁵ Bedford County, Virginia, Land Records and Deeds. Logwood owned over 1,000 acres within the community and served as the Justice of the Peace for many years, proved by the fact that he recorded all of the Free Negro and Slave Records.

⁴⁶ *James Wright v. George Hancock*, Bedford County Chancery Records, Bedford County Courthouse 1826 Box, folder 3, pg. 2.

⁴⁷ *James Wright v. George Hancock*, Bedford County Chancery Records, Bedford County Courthouse 1826 Box, folder 3, pg. 3.

⁴⁸ *James Wright v. George Hancock*, Bedford County Chancery Records, Bedford County Courthouse 1826 Box, folder 3, pg. 6.

As one of the few resources available to free blacks, land ownership became a crucial part of the free black experience in the court system. Southerners frequently litigated over every kind of property, particularly real property.⁴⁹ In 1831, Jacob Feazel petitioned the Bedford County Court and claimed that Stephen Day, a free black man in the county, had entered into an agreement to sell the forty-three acre tract of land where he and his wife, Milly, lived for four hundred thirty four dollars and thirty-six cents. However, Day “removed to a location unknown” before signing a legal deed.⁵⁰ In her answer to the bill of complaint filed by Feazel, Milly Day testified that she owned the land prior to her marriage, and thus held power over it. In addition, Milly Day also revealed that Stephen left the state over a year prior to the suit, and that “a rumor circulated that he is dead but whether this report is true or not she is unable to say.” She further explained that while she does not claim to know whether Stephen entered into such a deed with Feazel, she “has in no manner whatever conveyed the land.”⁵¹

As the only way to provide for herself and her children, Milly Day attempted to appeal to the court in any way she could to keep her land. She urged her children to file a response to the bill as well, and warned them to “beware” the attempts of Feazel to take possession of the land and advised them to “do and perform all such acts as were necessary to vest in them a good and sufficient title to the land.”⁵² In the last sentence of her own answer, she hoped the court would deny Feazel’s allegations, because she had

⁴⁹ Ely, 263.

⁵⁰ *Jacob Feazel etals versus Stephen Day & Wife etals*. Bedford County Chancery Court. 1831 Box, Folder 6. Pg. 1.

⁵¹ *Jacob Feazel etals versus Stephen Day & Wife etals*. Bedford County Chancery Court. 1831 Box, Folder 6. Pg. 4.

⁵² *Jacob Feazel etals versus Stephen Day & Wife etals*. Bedford County Chancery Court. 1831 Box, Folder 6. Pg. 5.

only one tract of land, and “having no other support for herself or her children, & having... never conveyed an agreement to convey” the land to Feazel.⁵³

However, Feazel provided detailed testimony, including a transcript of his examination of an eyewitness to a conversation between himself and Milly. Feazel asked the witness, “do you recollect the conversation that passed between myself and Milly Day the wife of Stephen Day relative to buying said Days land?” The witness answered, “I heard you ask her if she was willing to make her title to said land in case you bought it she observed she was willing to do so provided her husband thought it best.” Then, Feazel asked, “do you recollect my asking of her wheather [sic] her Husband had threatened or over persuaded her in to those measures?” The witness claimed that “she answered he had not.”⁵⁴ Though she faced a difficult legal battle because her husband left and would not provide testimony, the witness statement that Feazel provides for the court poses interesting questions about the legal culture of Bedford County.

Although she did not have legal title to the land because her husband left the state, the men in the case recognized her ownership of the land prior to her marriage. Feazel worked hard to show that Milly Day not only knew about the bill of sale, but also willingly agreed to it. This shows the importance of the community understanding in antebellum Bedford to the ways that the local court functioned in the society—the men knew that she owned the land before her marriage and therefore had to prove to the court that she agreed to the sale in order to persuade the court in their favor. On March 31, 1831, Feazel ended the case in a curt note that read, “I wish you to discontinue any suit

⁵³ *Jacob Feazel etals versus Stephen Day & Wife etals*. Bedford County Chancery Court. 1831 Box, Folder 6. Pg. 8.

⁵⁴ *Jacob Feazel etals versus Stephen Day & Wife etals*. Bedford County Chancery Court. 1831 Box, Folder 6. Pg. 12.

against Stephen Day” and others “as there is no case I wish continued.”⁵⁵ Although Feazel expressed no reasoning for ending the court case, perhaps he lacked the financial support to continue the legal process any further. Alternatively, perhaps Day and Feazel reached an agreement outside of court. Despite the outcome, the actions taken by Milly Day, her family, and her white testimony, reveal the importance of land and family. Specifically, the case revealed the importance of land ownership, even for married women.

Free blacks not only utilized the courts in order to register and protect their freedom and their property, but they also legalized agreements and apprenticeships. Initially, the apprenticeship system run at the county level attempted to control the poor, unruly, and non-white.⁵⁶ Both Bedford and Washington counties utilized the Orphan’s Court and the Overseer of the Poor to care for orphan needs. However, as the Orphan’s Court developed throughout the antebellum years, they saw more and more cases involving adults dependent upon the state. Oftentimes free blacks had to turn to the institution because of their dire financial situations. However, the evidence from both counties shows the flexible nature of the court and the ability of the individuals to use it for their own gain through apprenticeships.

Free blacks saw this system as an opportunity to better one’s economic situation or learn a trade. They sought to use it to their advantage by choosing to whom they would be apprenticed. Henry Moss, a free black man of Bedford County, chose to apprentice himself to James Worrall, a physician from Chesterfield County for three years. The

⁵⁵ *Jacob Feazel etals versus Stephen Day & Wife etals*. Bedford County Chancery Court. 1831 Box, Folder 6. Pg. 27.

⁵⁶ Lockley, Timothy James, *Welfare and Charity in the Antebellum South* (Gainesville: University Press of Florida. 2007), 2.

agreement incorporated the ability to travel with Worrall throughout and outside of the country, so long as he returned Moss safely home in three years. According to the deed of agreement, Moss agreed to be “under the sole direction of the said James Worrall respecting his conduct and to yield an explicit obedience to his... commands excepting such as may extend to bodily labour.”⁵⁷ This agreement represents a conscious decision made by Moss in order to protect himself from an apprenticeship arrangement that returned him to a status resembling slavery. While many free blacks faced poverty and apprenticed themselves or their children to others in order to survive, some used the apprenticeship system to their own advantage to secure employment and income for their family.⁵⁸

Henry Moss represents the possibilities of utilizing this system available to free blacks who wished to learn a trade to secure their own economic benefit. He earned one thousand dollars for the three years he spent with Worrall and likely learned the physician’s trade during that time. When he returned home to Bedford County, he bought over 150 acres of land.⁵⁹ The ability for free blacks to learn a trade through the apprentice system could open new avenues to financial security.

The Overseer of the Poor or the parent of a free black child apprenticed the child to an employer, usually a white carpenter, blacksmith, or tailor, if their family became dependent upon the state.⁶⁰ The child would live and work with the employer until they turned twenty-one.⁶¹ The amount of money paid to the parents or to the indenture

⁵⁷Moss to Worrall Deed Book 11 P. 410. Bedford County Circuit Courthouse.

⁵⁸Ely, 117-20.

⁵⁹Moss to Worrall Deed Book 14 P. 11. Bedford County Circuit Courthouse.

⁶⁰Ely, 117.

⁶¹Berlin, 226.

themselves for the labor, varied by age, gender, and skill. Yet, a typical free black indenture could expect freedom dues to be between 12 and 100 dollars a year, including room and board for the years under the employer's control. However, the evidence from Bedford suggests that free blacks could use the court in order to protect their children from poverty. Celia Hale bound her children Milton, Pleasant, John and Martha to Jesse Minter, a white slaveholder in the community. After apprenticing her children to Minter, she also moved to his property.⁶² Although little evidence remains of the children's apprenticeships, evidence suggests that Hale specifically chose Minter because he was the best possible choice—perhaps she knew he would treat her children kindly while imparting key skills.⁶³

The typical experience for free black apprentices through the Overseer of the Poor contrasts with Henry Moss's experience of contracting his own deed of agreement in many important ways. First, Worrall lived over one hundred miles from Moss's home in Bedford County. This suggests the importance of reputation. Perhaps Worrall had friends within the county that suggested Moss as a possible apprentice. Second, Worrall agreed to pay 1,000 dollars to Moss for his three-year employment. This large sum suggests Moss's possible importance to Worrall as an employee, while also revealing the economic stability of Moss after the apprenticeship. Moss actively utilized the legal agreements of the apprentice system in order to secure his own freedom and economic gain. However, despite Moss's experience, many free blacks only turned to the

⁶² Bedford County Court Record Book 32. Bedford County Courthouse. March 1856. Petition of Celia Hale to Bedford Circuit Court, 25 April 1857, Folder of Slaves and Free Negroes, 1850-59.

⁶³ In a letter from J. Minter to Mr. Johnson, 21 March 1857, Folder of Slaves and Free Negroes, 1850-59. In 1857, Celia Hale sold herself back into slavery to Jesse Minter. In a letter to an attorney, he hired to talk to Hale about the transaction, he explained, "She [Hale] served in the family long enough to know us, and is old enough to judge for herself." Despite the legal documents of the county, Hale was listed as a free person in the 1860 Census.

apprenticeship system, and particularly the Overseer of the Poor, when they faced a drastic financial situation.

In Washington County, there is evidence that free blacks utilized the apprentice systems, as well, but many of them had already been apprenticed prior to gaining their freedom. As many of the free blacks in Washington County gained their freedom through apprenticeships and term slavery, many continued to live with their former masters, without legal apprenticeship status. On January 26, 1825, Nace, a former slave, gained his freedom from his master. At the end of his freedom certificate, the Justice noted that Nace “indentured himself to A.M. Reed for life.”⁶⁴ The Justice probably noted this as a way to identify her in the future. In 1804, Nancy Swan, a “free woman” from Washington County, “bound” her four year-old child Alexander to General Daniel Heister, a white man in the community, until he reached the age of twenty-one. According to her freedom certificate, she and her son continued to live with the Heister family, even after Daniel Heister’s death. However, when Daniel Heister’s wife died in 1810, he lived with one of their executors until his apprenticeship time expired.⁶⁵ In another instance, a white woman bound her mulatto child to the Iron Works in Washington County until he “arrived of age” then, he chose to apprentice himself to Isaac Keefers “for two years to learn the business of Hammerman and a drawer of Cast Iron.”⁶⁶ The differing forms of manumission created a community where apprenticeships were much more common than in Bedford County.

⁶⁴ Freedom Certificate of Nace. Washington County Freedom Certificates. Book A pg. 55.

⁶⁵ Freedom Certificate of Alexander Swan. Washington County Freedom Certificates. Book A p. 42. The certificate also notes that Alexander speaks both “English and German.”

⁶⁶ Freedom Certificate of John Butler. Washington County Freedom Certificates, Book A. p. 35. 20 September 1819.

As a part of term slavery agreements made in Washington County, free blacks could sue their former masters if they did not receive any part of the promised agreement. In 1830, “Negro Priscilla” petitioned for “freedom sums” from her former master.⁶⁷ Not only did free blacks in Washington, and Bedford County utilize the court systems for their own gains, but they challenged whites within the legal context. By acting as any of their neighbors, by paying legal fees and actively pursuing any claims to legal rights, free blacks found themselves in court for their own benefit—they were not being punished by a white-controlled court (although many did find themselves receiving punishment for questioning the slave institution, especially in Washington County). Further, they proactively utilized white testimony in order to protect their interests.

Bedford’s lack of convictions of free black offenders in the years between 1830 and 1850 reveals that the sheriffs and courts thought of the free black population as peaceful. Out of three criminal cases involving free black defendants, one free black man was found not guilty of stealing a gold watch from a white man in the community.⁶⁸ The limited number of criminal cases with free blacks as defendants highlights the peaceable relations within the community, not an attempt by free blacks to stay out of the court system. Multiple cases exist of free blacks pressing charges against others, both white and enslaved blacks, and the court finding in their favor.⁶⁹ This meant that when free blacks engaged in the court systems, they were usually willing participants. They did not hide from white power because they feared their free status. Instead, they frequently went to white power to secure their rights within the society.

⁶⁷ “Washington County Circuit Court “Docket and Minutes November 1830.” Maryland State Archives. G. 118.

⁶⁸ Order Book 32, August 1845. Bedford County Courthouse.

⁶⁹ In one instance, Coy Johnson filed assault charges against a slave, Henry. The court found Henry guilty. Court Order Book 32, September 1846.

Sometimes free blacks found themselves in the Bedford County court unwillingly. The few cases where the court found free blacks guilty in Bedford during this time involved questioning the white power structure. Clarissa Rogers, a free black manumitted by the will of a local farmer, pleaded not guilty to charges of arson. The court found her guilty and sentenced her to five years in jail.⁷⁰ In another case, the court sentenced a free black to ten years in jail after he pleaded guilty to charges of breaking into a white man's house with the intent of stealing household goods and to "carnally know" the man's wife.⁷¹ These two actions constituted major threats to the power of white men to protect their own property and their family. Perhaps, because they posed more of a threat (even if they did not commit the crimes), these two free African Americans found themselves on the wrong side of the decision of the court. Therefore, the law acted in a similar way to Washington County, where white men could use it as a safety net for the power secured to them by the institution of slavery.

In Washington County, some free blacks found themselves arrested by the Sheriff for crimes relating to slavery, particularly aiding slaves to run away and disobeying strict ordinances restricting their social lives. In 1829, Adam Shorter faced charges of "stealing and carrying away three negro children."⁷² However, the court found Shorter not guilty. In 1851, the county arrested Otho Snyder, a free black, for "aiding a slave to escape."⁷³ In 1849, the court found a free black charged with "attempting to mutilate a stage belonging to E.M. Mealey & Co." not guilty to the disdain of many within the community.⁷⁴

⁷⁰ Order book 27, November, 1839.

⁷¹ Court Order Book 32, September 1856. Bedford County Courthouse.

⁷² *State of Maryland vs. Adam Shorter*. Washington County Court Docket and Minutes. "Criminal Docket, March 1830." Pg. 163. Maryland State Archives.

⁷³ "Arrest" *Herald Torchlight and Freedom* [Hagerstown, Md.] 12 November 1851.

⁷⁴ "The Stage Cutter" *Herald of Freedom* [Hagerstown, Md.] 04 April 1849.

However, there were not many free blacks brought before the court for stealing or other more violent crimes. Perhaps the people of Washington County only found free blacks a threat when they contributed to an already tense situation—the number of runaways escaping through the county.

The trial of Jacob Gruber and the popular trial of Sheriff Slatter reveal the important ramifications that the proximity of a free state caused for Washington County whites. The steady stream of runaways flowing through the county forced whites to turn to the state laws to help maintain the slipping institution of slavery. Bedford County did not experience these types of threats firsthand. Although they too worried about their slaves running to free states, there were hundreds of miles separating them from the Mason-Dixon line. However, slaves in parts of Washington County only had to run a few miles to gain freedom. These threats to the institution of slavery meant that race relations in Washington County were very tense at times. Washington County slaveholders had more reason to arrest more blacks as runaways, and use the law to restrict the social lives of free blacks in the county. Bedford County slaveholders lived in a community where the institution of slavery remained firmly intact and this helped to make race relations with free blacks more tranquil.

Whites rarely enforced state laws fully, except in cases of threats to the institution of slavery. These occurred more often in Washington than in Bedford County. In fact, free blacks in both counties could and did utilize the local legal culture in order to protect their freedom and their property. But, in Washington County, the institution of slavery came under fire through a high rate of runaways and manumissions, and free blacks were less likely to utilize the court system to protect their land ownership but far more likely to

petition to court to grant their release after being jailed as runaways. The laws passed by the state worked as a safety net for slaveholders within both communities. As long as the order of the society remained intact, local white authorities did not enforce them.

However, if the institution faced multiple threats, whites needed only to fall back on the laws to restrict free black life in the community.

Conclusion

Community is an integral piece in understanding race relations within the rural Upper South during the first half of the nineteenth century. As living contradictions to the institution of slavery, free African Americans living in slave states remained a target for proslavery ideologues, especially in the Upper South where the free black population reached the highest numbers, and the threat of abolitionists appeared closest. However, despite the passage of multiple laws meant to restrict free blacks, particularly during the years between 1830 and 1850, community ties remained the most important feature of free black life. These community ties, including business ties and relationships forged while toiling in the same field for similar pay, shared religious beliefs and even familial connections, often led many to ignore or neglect the color line. Free African Americans utilized these community ties, and their individual reputations within the white community, in order to advocate for their own rights in social and legal settings.

By proactively participating in the community, free blacks could protect their rights, including freedom and property rights. Through a comparison of Washington County, Maryland and Bedford County, Virginia, it is clear that the strength of the institution of slavery affected the ways that free blacks functioned in the society and the ways that whites enforced the state laws. In addition, it reveals the important ways that law functioned in antebellum societies. The law stood as a safety net for slaveholders to fall back on if the institution of slavery became threatened. Therefore, they only strictly enforced state laws when they thought it was needed for the preservation of the social order and relationships within the community.

Community ties were made possible by the apparent strength of the institution of slavery. Free African Americans did not seem a serious threat to a secure slave society, where the overwhelming number of African Americans remained in bondage.

Washington County faced more tangible threats to the slave society than Bedford as this Maryland community experienced a slow change from a slave labor economy to a free labor economy. As a result, Washington County developed a larger free black class that grew quickly, an economy based on migrant labor and industrial and transportation growth, and an increasing awareness of the proximity to a free state.

Through an examination of evidence concerning manumission and registration, it is clear that Washington and Bedford counties differed dramatically in the ways that the free black population increased. Washington County's free black population grew through the use of term slavery, or gradual manumission, through deed agreements that typically granted freedom to individuals. In Bedford County, manumissions were less likely to occur, but when masters did free an African American, it was typically through a will of manumission that freed many if not all of their slaves. Because of the important differences in manumission experiences, free African Americans faced different execution of the registration laws in each county. In Washington County, to combat the growing population and the ease of escape for slaves, free blacks faced local power structures that formally enforced the law, while in Bedford County, free blacks often knew the Justice of the Peace and therefore faced a more informal execution of the laws.

In addition to the differences in the populations of both counties, they also differed in their local economies. Washington County's changing economy and transportation developments made the community less stable, with more employment of

migratory labor forces drifting in and out the community. In Bedford County, slaves continued to make up a majority of the labor force, and the community remained stable, and somewhat isolated. Though differences did exist, free blacks in both counties continued to interact with the rest of the community through the sale of land and personal property.

The proximity to the free state of Pennsylvania meant that runaway slaves frequented the area, such as the eighty-six slaves that reportedly made their way from Virginia to Pennsylvania through Washington County in November of 1849.¹ In Bedford, although slaveholders worried that their slaves would run away, they did not have to face the tangible consequences of freedom like Washington. After the debates of 1831-2, Virginia as a whole seemed to have settled the future of slavery. The strength of the institution of slavery helped create more peaceable race relations in the community because slaveholders' power was not in constant jeopardy.

These differences, especially the struggle between the fading slave labor economy and free labor in Washington County, had many effects on the daily life of free African Americans in the community shown through legal records. Restrictive state laws, often used by historians to explain free black experience, were created as a way to combat threats to the slave society. However, free blacks did not always stand out as a threat to the institution. In Bedford County, free blacks faced a more informal execution of state laws; meanwhile in Washington, free blacks faced a more formal execution because they stood out as a threat to an already threatened institution.

¹ "Emigrating to Pennsylvania" *Herald of Freedom* [Hagerstown, Md.] 17 November 1849.

However, free blacks in the community continued to participate in the community, gaining their freedom through deeds of manumission, registering (and some not registering) their freedom with the county court, working for and with whites, and utilizing the local courts to protect their own interests. Despite these relationships, in 1850, the Hagerstown *Herald of Freedom* condemned the racial conditions of the community, noting that “the present condition of things renders slavery almost incompatible with the number of free negroes.”² Here, the writer takes issue with the lax enforcement of the laws meant to restrict free blacks. Clearly, the entire community did not agree with such liberalism.

In Bedford, although tobacco production declined, Bedford County remained firmly in the tobacco belt, the highest tobacco-producing region in the South. The economy remained tied to slave labor, particularly after the state-level debates after the Nat Turner rebellion in 1831. There, the community remained tight-knit, where most people knew each other. Free blacks made up only a small portion of the total population, while the slave population grew slowly in the antebellum years. Free blacks here could relatively easily garner a reputation with many whites and utilize the white-controlled court.

The comparison of these two counties holds significant consequences for the study of the antebellum free African American class in the South as a whole. Although both Washington and Bedford counties are considered geographically and culturally similar as part of the Upper South, this study points to the importance of stability of the institution of slavery as the defining factor for similar free black experience. By placing

² “Free Negroes” *Herald of Freedom* [Hagerstown, Md.] 01 May 1850.

two localized community settings into a broader picture of the Upper South, it is clear that historians should consider the important divergences within the region in order to understand how the community operated, particularly when discussing race relations.

Bibliography

Archives and Manuscripts Collections

Bedford General District Court. Bedford, Va.

Court Ended Papers, 1800-1850.

Judgments, 1800-1850.

Land Records and Deeds

Land Tax Records

"List of All Free Negroes in the District of John G. Kasey Commissioner of the persons in the County of Bedford for the Year 1857." Bedford County Circuit Courthouse.

"Free Negro and Slave Records"

Marriage Records

"Register of Free Negroes"

Tax and Fiscal Records

Will and Probate Records

Jones Memorial Library. Lynchburg, Va.

Virginia Census of Bedford County, Virginia. Microfilm for years 1810, 1820, 1830, 1840 and 1850

Library of Virginia. Richmond, Va.

Bedford County "Register of Free Negroes"

Samuel Read and Company Business Ledger 1818-1819.

Maryland Hall of Records. Annapolis, Md.

Washington County Circuit Court, Equity Papers, 1851-1860

Washington County Court, Docket and Minutes, 1799-1848

Washington County Court, Judgment Record, 1782-1818

Washington County Court, Land Records, 1790-1848

Washington County Court, Register of Free Negroes.

Washington County Register of Wills, Indentures, 1794-1860.

Washington County Register of Wills, Orphans Court, Petitions and Orders, 1799-1860

Maryland Historical Society. Baltimore, Md.

John Blackford Journals, 1829-1831, 1836-1839

Maryland Colonization Society Papers, 1827-1871

Washington County District Court

Deed Records

Will and Probate Records

Published Government Documents

Historical Census Browser. Retrieved 15 March 2011 from the University of Virginia, Geospatial and Statistical Data Center: <http://fisher.lib.virginia.edu/collections/stats/histcensus/index.html>, 2004.

Maryland General Assembly. Laws Passed by the General Assembly of the State of Maryland. Annapolis, Md.: various publishers, 1790-1860.

U.S. Bureau of the Census. U.S. Bedford County, Virginia, Census. 1800-1860.

U.S. Bureau of the Census. U.S. Washington County, Maryland, Census. 1800-1860.

William Walker Hening. *The Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the year 1619*. Richmond: Samuel Pleasants, 1809-23. Facsimile reprint, Charlottesville: University Press of Virginia, 1969.

Newspapers

Hagerstown Mail 1835-1841 (Hagerstown, Md.)

Herald of Freedom 1820-1828 (Hagerstown, Md.)

Herald of Freedom and Torchlight. 1828-1855 (Hagerstown, Md.)

Torchlight and Public Advertiser. 1831-1855 (Hagerstown, Md.)

Other Published Primary Sources

Libby, Jean, ed. *From Slavery to Salvation: The Autobiography of Rev. Thomas W. Henry of the A.M.E. Church*. Jackson: University Press of Mississippi, 1994.

Pennington, James W. C. *The Fugitive Blacksmith; or Events in the History of James W. C. Pennington Pastor of the Presbyterian Church, New York, Formerly a Slave in the State of Maryland, United States*. 3rd ed. London: Charles Gilpin, 1850.

Secondary Sources

Bardaglio, Peter W. *Reconstructing the Household: Families, Sex & the Law in the Nineteenth-Century South*, Chapel Hill: University of North Carolina Press, 1995.

Bell, Herbert C. *History of the Leitersburg District, Washington County, Maryland*. Leitersburg, Md.: Published by the Author, 1898.

Berlin, Ira. *Many Thousands Gone: The First Two Centuries of Slavery in North America*. Cambridge, Mass.: Harvard University Press, 1998.

_____. *Slaves Without Masters: The Free Negro in the Antebellum South*. New York: Pantheon Books, 1974.

Bogger, Tommy. *Free Blacks in Norfolk, Virginia, 1790-1860*. Charlottesville: University Press of Virginia, 1997.

Boles, John R. "Tension in a Slave Society: The Trial of the Reverend Jacob Gruber." *Southern Studies* 18 (Summer 1979): 179-97.

Brackett, Jeffrey R. *The Negro in Maryland: A Study in the Institution of Slavery*. Baltimore: Johns Hopkins University Press, 1899.

- Buckley, Thomas E., S.J. "Unfixing Race: Class, Power and Identity in an Interracial Family," *The Virginia Magazine of History and Biography*, Vol. 102, No. 3 (July 1994).
- Butler, Reginald. "Evolution of a Rural Free Black Community: Goochland County, Virginia, 1728-1832." PhD diss., Johns Hopkins University, 1989.
- Dunn, Richard S. "Black Society in the Chesapeake." In *Slavery and Freedom in the Age of the American Revolution*, ed. Ira Berlin and Ronald Hoffman, 49-82. Charlottesville: University Press of Virginia, 1983.
- Eaton, Clement. "Slave Hiring in the Upper South: A Step toward Freedom." *Mississippi Valley Historical Review* 46 (March 1960): 663-78.
- Ely, Melvin Patrick. *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War*. New York: Alfred A. Knopf, 2004.
- Edwards, Laura F. *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*. Chapel Hill: The University of North Carolina Press, 2009.
- Fields, Barbara Jeanne. *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century*. New Haven: Yale University Press, 1985.
- Fitchett, E. Horace. "The Traditions of the Free Negro in Charleston, South Carolina," *Journal of Negro History* 25 (1940), 139-51.
- Forret, Jeff. *Race Relations at the Margins: Slaves and Poor Whites in the Antebellum Southern Countryside*. Baton Rouge: Louisiana State University Press, 2006.
- Franklin, John Hope. *The Free Negro in North Carolina, 1790-1860*, Durham: The University of North Carolina Press, 1943.
- Freehling, Alison Goodyear. *Drift towards Dissolution: The Virginia Slavery Debate of 1831-1832*. Baton Rouge: Louisiana State University Press, 1982.
- Garret, Jane N. "Philadelphia and Baltimore, 1790-1840: A Study of Intra-Regional Unity." *Maryland Historical Magazine* 55 (March 1960): 1-13.
- Genovese, Eugene D. *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South*. New York: Vintage Books, 1967.
- Gilbert, Geoffrey N. "Baltimore's Flour Trade to the Caribbean, 1750-1815." *Journal of Economic History* 37 (1987): 249-61.

- Grivno, Max L. *Gleanings of Freedom: Free and Slave Labor Along the Mason-Dixon Line, 1790-1860*. Urbana: University of Illinois Press, 2011.
- Hodes, Martha. *White Women, Black Men: Illicit Sex in the 19th Century South*. New Haven: Yale University Press, 1997.
- Irwin, James R. "Exploring the Affinity of Wheat and Slavery in the Virginia Piedmont." *Explorations in Economic History* 25 (Fall 1998): 295-322.
- Jackson, Luther Porter. *Free Negro Labor and Property Holding in Virginia, 1830-60*. New York: Antheneum Books, 1942.
- _____. *Free Negro in South Carolina, 1790-1860*. Chapel Hill: University of North Carolina Press, 1943.
- Johnson, Michael P., and James L. Roark. *Black Masters: A Free Family of Color in the Old South*. New York: WW Norton & Company, 1984.
- Johnston, James Hugo. *Race Relations in Virginia & Miscegenation in the South, 1776-1860*. Amherst, 1970.
- Kullikoff, Alan. *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800*. Chapel Hill: The North Carolina Press, 1986.
- Lebsock, Suzanne. *The Free Women of Petersburg, Status and Culture in a Southern Town, 1784-1860*. New York: W.W. Norton & Company, 1984.
- Lockley, Timothy James. *Lines in the Sand: Race and Class in Lowcountry Georgia, 1750-1860*. Athens: University of Georgia Press, 2001.
- Morgan, Lynda J. *Emancipation in the Tobacco Belt, 1850-1870*. Athens: University of Georgia Press, 1992.
- Morgan, Philip D. and Michael L. Nichols. "Slaves in Piedmont Virginia." *William and Mary Quarterly*, 3rd ser., 46 (April 1989): 211-51.
- Nash, Gary B., and Jean R. Soderlund. *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath*. New York: Oxford University Press, 1991.
- Phillips, Christopher. *Freedom's Port: The African-American Community of Baltimore, 1790-1860*. Urbana: University of Illinois Press, 1997.
- _____. "The Roots of Quasi-Freedom: Manumission and Term Slavery in Early National Baltimore." *Southern Studies* 4 (Spring 1993): 39-66.
- Phillips, Ulrich B. *American Negro Slavery*, New York: D. Appleton & Co., 1918.

- Rothman, Joshua. *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861*. Chapel Hill: University of North Carolina Press, 2003.
- Russell, John H. *The Free Negro in Maryland, 1634-1860*. New York: General Books LLC, 1921.
- Schlotterbeck, John T. "The 'Social Economy' of an Upper South Community: Orange and Greene Counties, Virginia, 1815-1860." In *Class, Conflict, and Consensus: Antebellum Southern Community Studies*, ed. Orville Vernon Burton and Robert C. McMath, Jr., 3-28. Westport, Conn.: Greenwood Press, 1983.
- Schwarz, Philip J. *Migrants against Slavery: Virginians and the Nation*. Charlottesville: University Press of Virginia, 2001.
- Schweninger, Loren. *Black Property Owners in the South, 1790-1915*. Urbana: University of Illinois Press, 1990.
- . "The Underside of Slavery: The Internal Economy, Self-Hire, and Quasi-Freedom in Virginia, 1780-1865." *Slavery and Abolition* 12 (September 1991): 1-22.
- Slaughter, Thomas P. *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North*. New York: Oxford University Press, 1991.
- Sidbury, James. *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia*. Cambridge: Cambridge University Press, 1997.
- Sydnor, Charles S. "The Free Negro in Mississippi before the Civil War," *American Historical Review* 32 (1927) 769-88.
- Thompson, Michael D. *The Iron Industry in Western Maryland*. Hagerstown, Md.: Washington County Historical Association, 1976.
- Walsh, Lorena S. "Rural African Americans in the Constitutional Era in Maryland, 1770-1810." *Maryland Historical Magazine* 84 (Winter 1989): 327-41.
- Whitman, T. Stephen. *Challenging Slavery in the Chesapeake: Black and White Resistance to Human Bondage, 1775-1865*. Baltimore: Maryland Historical Society, 2007.
- . *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland*. Lexington: The University of Kentucky Press, 1997.

Wikramanayake, Marina. *A World in Shadow: The Free Black in Antebellum South Carolina*. Columbia: University of South Carolina, 1973.

Williams, Thomas J. C. *A History of Washington County, Maryland, from the Earliest Settlements to the Present Time, Including a History of Hagerstown*. Hagerstown, Md.: Published by the Author, 1906.

Wilson, Carol. *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865*. Lexington: University Press of Kentucky, 1995.

Wolf, Eva Sheppard. *Race and Liberty in the New Nation*. Baton Rouge: Louisiana State University Press, 2006.